

October 7, 2016

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK INDEX# 15-CV-3270</p> <p>-----x</p> <p>MARIE M. JOSIANNE SAJOUS, on behalf of herself and others similarly situated, Plaintiffs, -against- SOUTHERN WINE & SPIRITS OF NEW YORK, INC. and WINE, LIQUOR & DISTILLERY WORKERS LOCAL 1-D, Defendants.</p> <p>-----x</p> <p>1225 Franklin Avenue Garden City, New York</p> <p>October 7, 2016 9:38 a.m.</p> <p>Deposition a Non-Party Witness MARIA SUAREZ, pursuant to Subpoena, before Robert S. Barletta, a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 2 APPEARANCES: 3 STEVEN J. MOSER, P.C. 4 Attorneys for Plaintiffs 5 3 School Street 6 Glen Cove, New York 11542 7 BY: STEVEN J. MOSER, ESQ. 8 9 KORSHAK, KRACOFF, KONG & SUGANO, L.L.P. 10 Attorneys for Defendants- 11 Southern Wine & Spirits of New York, Inc. 12 1640 South Sepulveda Blvd. 13 Los Angeles, California 90025 14 BY: KEITH R. THORELL, ESQ. 15 16 O'CONNOR & MANGAN, P.C. 17 Attorneys for Defendants- 18 Wine, Liquor & Distillery Workers Local 1-D 19 271 North Avenue 20 New Rochelle, New York 10801 21 BY: J. WARREN MANGAN, ESQ. 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 2 STIPULATIONS 3 4 5 IT IS HEREBY STIPULATED AND 6 AGREED by and between the attorneys 7 for the respective parties herein, that the 8 filing, sealing and certification of the 9 within deposition be waived. 10 11 IT IS FURTHER STIPULATED AND 12 AGREED that all objections, except as to the 13 form of the question, shall be reserved to 14 the time of the trial. 15 16 IT IS FURTHER STIPULATED AND 17 AGREED that the within deposition may be 18 sworn to and signed before any officer 19 authorized to administer an oath with the 20 same force and effect as if signed and sworn 21 to before the Court. 22 23 24 - oOo - 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Suarez 2 MARIA SUAREZ, called as a 3 witness, having been duly sworn by a Notary 4 Public, was examined and testified as 5 follows: 6 7 EXAMINATION BY 8 MR. MOSER: 9 THE REPORTER: Please state your full 10 name and address for the record. 11 THE WITNESS: Maria Suarez. 515 Green 12 Grove Avenue, Uniondale, New York 11553. 13 MR. MOSER: Good morning, Ms. Suarez. 14 Q. We never met before; correct? 15 A. I think I met you once. 16 Q. Really? Do you recall when we met? 17 A. I think you went with Josie to the 18 office. We were introduced. 19 Q. I am sorry. I did not remember that. 20 How are you today? 21 A. Good. Thank you. 22 MR. MOSER: Before we begin, there are a 23 couple of things I want to mention. First, I 24 understand that testifying under oath at a 25 deposition is not something people look</p>

1 (Pages 1 to 4)

October 7, 2016

Page 5	Page 7
<p>1 Suarez</p> <p>2 forward to. If your testimony was not</p> <p>3 necessary for this case, we would not bother</p> <p>4 you with it. Secondly, testifying under oath</p> <p>5 is not a conversation. Please wait until I</p> <p>6 finish my question entirely, and then pause</p> <p>7 slightly, then answer the question because</p> <p>8 the court reporter can only take down one</p> <p>9 person speaking at a time.</p> <p>10 Q. Have you ever testified under oath</p> <p>11 before?</p> <p>12 A. Never.</p> <p>13 Q. Do you understand that the oath that you</p> <p>14 took just a moment ago is the same oath you would</p> <p>15 take as if you would be testifying in court in</p> <p>16 front of a judge?</p> <p>17 A. Yes.</p> <p>18 MR. MOSER: If you don't understand a</p> <p>19 question of mine, please don't answer it. I</p> <p>20 would rather you let me know. I will repeat</p> <p>21 it or rephrase it until you fully understand</p> <p>22 the question.</p> <p>23 Q. Okay?</p> <p>24 A. Okay.</p> <p>25 MR. MOSER: I represent Marie Josianne</p>	<p>1 Suarez</p> <p>2 Local 1-D as "the Union."</p> <p>3 Q. Do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Are you employed by Southern?</p> <p>6 A. Yes.</p> <p>7 Q. What is your job title?</p> <p>8 A. WMI Administrator.</p> <p>9 Q. What does WMI stand for?</p> <p>10 A. Warehouse Management for IT.</p> <p>11 Q. Is it Warehouse Management Information</p> <p>12 Administrator? If you know. I don't want you to</p> <p>13 guess.</p> <p>14 A. The thing is, it changed from MSA.</p> <p>15 Sorry. WMS. Warehouse Management System now</p> <p>16 changed to -- I don't know what it stands for.</p> <p>17 WMI.</p> <p>18 MR. MANGAN: Was it WMI all the time,</p> <p>19 that didn't change, or did it change from WMS</p> <p>20 to WMI?</p> <p>21 THE WITNESS: It recently changed.</p> <p>22 BY MR. MOSER:</p> <p>23 Q. From WMS to WMI?</p> <p>24 A. Yes.</p> <p>25 Q. Have your duties changed when your title</p>
Page 6	Page 8
<p>1 Suarez</p> <p>2 Sajous.</p> <p>3 Q. Did you refer to her as Josie?</p> <p>4 A. Yes.</p> <p>5 Q. For the purposes of this deposition, may</p> <p>6 I refer to her as Josie?</p> <p>7 A. Yes.</p> <p>8 MR. MOSER: I am going to be asking you</p> <p>9 questions about a lawsuit brought by Josie</p> <p>10 against Southern Wine and Spirits of New York</p> <p>11 and United Food and Commercial Workers Union</p> <p>12 Local 1-D.</p> <p>13 Q. Has Southern Wine and Spirits changed</p> <p>14 its name since December 2013?</p> <p>15 A. Yes.</p> <p>16 Q. What is Southern Wine and Spirit now?</p> <p>17 A. Southern Glazer's Wine and Spirits.</p> <p>18 MR. MOSER: For the purposes of today's</p> <p>19 deposition, I am going to represent Southern</p> <p>20 -- refer to Southern Wine and Spirits of New</p> <p>21 York and Southern Glazer's as "Southern."</p> <p>22 Q. Is that okay?</p> <p>23 A. Yes.</p> <p>24 MR. MOSER: I am going to also refer to</p> <p>25 the United Food and Commercial Workers Union</p>	<p>1 Suarez</p> <p>2 changed?</p> <p>3 A. Yes.</p> <p>4 Q. How did they change?</p> <p>5 A. I am not in charge of inventory for</p> <p>6 management anymore. Somebody else is the</p> <p>7 inventory control manager. My job</p> <p>8 responsibilities now is more about the entire</p> <p>9 warehouse system.</p> <p>10 Q. Do you correctly supervise any other</p> <p>11 employees now?</p> <p>12 A. I don't know how to reply to that</p> <p>13 question. My team, the Inventory Control Team</p> <p>14 still gets work from me, but they report to my</p> <p>15 boss.</p> <p>16 Q. Who is your boss?</p> <p>17 A. John Wilkinson.</p> <p>18 Q. Before they reported to John Wilkinson,</p> <p>19 did they report to you?</p> <p>20 A. No.</p> <p>21 Q. When did that change take place?</p> <p>22 A. To the best of my knowledge, in July</p> <p>23 this year.</p> <p>24 Q. July of 2016?</p> <p>25 A. Yes.</p>

2 (Pages 5 to 8)

October 7, 2016

Page 9	Page 11
<p>1 Suarez</p> <p>2 Q. Who are the members of the Inventory</p> <p>3 Control Team today?</p> <p>4 A. Tatiana Herdosia, Ena Scott, Justin Vegh</p> <p>5 and Carlos Delarosa (all names phonetic).</p> <p>6 Q. Were you responsible for hiring Carlos</p> <p>7 Delarosa?</p> <p>8 MR. THORELL: Objection. You can</p> <p>9 answer.</p> <p>10 A. Partly. I made the selection and my</p> <p>11 boss had the final word on it.</p> <p>12 Q. Was Carlos Delarosa recommended or</p> <p>13 referred for that position by the Union?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. Not that I know of.</p> <p>16 Q. Did you interview Carlos Delarosa?</p> <p>17 A. Yes.</p> <p>18 Q. How did it come to be you who</p> <p>19 interviewed him?</p> <p>20 A. He applied online for the position.</p> <p>21 Q. Did any females apply for the position?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. I remember only one.</p> <p>24 Q. How many males applied for the position?</p> <p>25 MR. THORELL: Objection.</p>	<p>1 Suarez</p> <p>2 reporting to you, but reporting to John Wilkinson?</p> <p>3 A. Kevin Randall.</p> <p>4 Q. Who is Kevin Randall?</p> <p>5 A. VP of Operations.</p> <p>6 Q. Can you tell me everything you remember</p> <p>7 about that conversation you had with Kevin</p> <p>8 Randall?</p> <p>9 MR. THORELL: Objection.</p> <p>10 A. It was very brief. He gave me my new</p> <p>11 position. The papers to sign. He just told me</p> <p>12 that I would report to the warehouse director now.</p> <p>13 Q. Was your pay reduced at that time as</p> <p>14 well or did your pay remain the same or increased?</p> <p>15 A. It was increased.</p> <p>16 Q. How long have you been employed by</p> <p>17 Southern?</p> <p>18 A. Since 2004, December.</p> <p>19 Q. Before 2004, were you employed by any</p> <p>20 company that was taken over by Southern?</p> <p>21 A. Yes.</p> <p>22 Q. What company was that?</p> <p>23 A. Premier Wine and Spirits.</p> <p>24 Q. How long were you employed by Premier?</p> <p>25 A. Since April 2000.</p>
Page 10	Page 12
<p>1 Suarez</p> <p>2 A. I don't remember correctly, but maybe</p> <p>3 five.</p> <p>4 Q. Was the female who applied for the</p> <p>5 position interviewed?</p> <p>6 MR. THORELL: Objection.</p> <p>7 A. Yes.</p> <p>8 Q. Who interviewed her?</p> <p>9 A. I did. I remember interviewing one. I</p> <p>10 don't remember how many applied for the position.</p> <p>11 Q. Who determined who you interviewed?</p> <p>12 A. HR.</p> <p>13 Q. Are the members of the Inventory Control</p> <p>14 Team today classified as office employees or</p> <p>15 warehouse employees?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. By the Union?</p> <p>18 Q. Correct.</p> <p>19 A. They are classified as clerical.</p> <p>20 Q. Why do these employees now report to</p> <p>21 John Wilkinson?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. I don't know.</p> <p>24 Q. Who informed you of that change that the</p> <p>25 inventory control clerks would no longer be</p>	<p>1 Suarez</p> <p>2 Q. Before April of 2000, were you employed</p> <p>3 by a company that was taken over by Premier?</p> <p>4 A. No, I wasn't.</p> <p>5 Q. In April of 2000, what physical location</p> <p>6 did you work out of?</p> <p>7 A. The Payroll Department.</p> <p>8 Q. Was that in Syosset, New York?</p> <p>9 A. Yes.</p> <p>10 Q. What address was that?</p> <p>11 A. 345 Underhill Boulevard.</p> <p>12 Q. Have you been continuously employed at</p> <p>13 345 Underhill Boulevard from April of 2000 until</p> <p>14 today?</p> <p>15 A. No.</p> <p>16 Q. What is at that location?</p> <p>17 A. There was an office building and a</p> <p>18 warehouse building.</p> <p>19 Q. The warehouse building, is that located</p> <p>20 at 313 or 345?</p> <p>21 A. 345.</p> <p>22 Q. Where is the office located?</p> <p>23 A. At 225.</p> <p>24 Q. So just to clarify, two warehouses?</p> <p>25 A. Yes.</p>

3 (Pages 9 to 12)

October 7, 2016

Page 13	Page 15
<p>1 Suarez</p> <p>2 Q. One at 225 and one at 345?</p> <p>3 A. Yes.</p> <p>4 Q. There is an office as well?</p> <p>5 A. Yes.</p> <p>6 Q. Where is the office located?</p> <p>7 A. At 313 and at 345.</p> <p>8 Q. Describe for me the offices at 345?</p> <p>9 MR. THORELL: Objection.</p> <p>10 A. A two-story building. Maybe 50 offices</p> <p>11 all together.</p> <p>12 Q. How long did you have the WMS position?</p> <p>13 A. Since July 2016.</p> <p>14 MR. MOSER: I thought I misunderstood.</p> <p>15 Q. Before July of 2016 what was your job</p> <p>16 title?</p> <p>17 A. Inventory Control Manager.</p> <p>18 Q. When did you first receive the title of</p> <p>19 Inventory Control Manager?</p> <p>20 A. July 2007.</p> <p>21 Q. When you received that position, was</p> <p>22 Josie already working at Southern?</p> <p>23 A. Yes.</p> <p>24 Q. How many employees reported to you when</p> <p>25 you first became the Inventory Control Manager in</p>	<p>1 Suarez</p> <p>2 was.</p> <p>3 Q. Do you recall that at some point in time</p> <p>4 you had additional workers in the Inventory</p> <p>5 Control Department other than Josie?</p> <p>6 A. Yes.</p> <p>7 Q. Who was the first person to be hired</p> <p>8 into the Inventory Control Department after Josie?</p> <p>9 A. I think it was Tatiana Herdosia.</p> <p>10 Q. She was a woman; correct?</p> <p>11 A. Yes.</p> <p>12 Q. After Tatiana was hired, who was next</p> <p>13 hired into the Inventory Control Department?</p> <p>14 A. Ena Scott.</p> <p>15 Q. Is Ena Scott also a woman?</p> <p>16 A. Yes.</p> <p>17 Q. Did the members of the Inventory Control</p> <p>18 Department become members of the Union in December</p> <p>19 of 2008?</p> <p>20 A. I don't know for sure. I don't</p> <p>21 remember.</p> <p>22 Q. When Ena was hired, was she a Union</p> <p>23 employee?</p> <p>24 A. I don't remember the time, but I think</p> <p>25 they were all three hired before they joined the</p>
Page 14	Page 16
<p>1 Suarez</p> <p>2 July of 2007?</p> <p>3 MR. THORELL: Objection. You can</p> <p>4 answer.</p> <p>5 A. Only one.</p> <p>6 Q. Who was that?</p> <p>7 A. Josie.</p> <p>8 Q. When did Josie stop working for</p> <p>9 Southern?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you recall if it was in --</p> <p>12 A. I remember it was December.</p> <p>13 Q. Do you know if it was December of 2013?</p> <p>14 I don't want you to guess.</p> <p>15 A. I don't remember the year.</p> <p>16 Q. Did she resign?</p> <p>17 A. Yes.</p> <p>18 MR. THORELL: Objection.</p> <p>19 Q. From the time that Josie first began</p> <p>20 reporting to you in July of 2007 until she</p> <p>21 resigned, were you her direct supervisor?</p> <p>22 A. Yes.</p> <p>23 Q. When she first reported to you, was she</p> <p>24 a Union employee or non-Union employee?</p> <p>25 A. I am not sure, but I don't think she</p>	<p>1 Suarez</p> <p>2 Union.</p> <p>3 Q. We are not sure of precise dates, but</p> <p>4 Josie, Tati and Ena were all hired before they</p> <p>5 became Union employees?</p> <p>6 A. Yes, and I think before the fourth one</p> <p>7 was also hired before joining the Union.</p> <p>8 Q. Who was that?</p> <p>9 A. I don't know the exact dates.</p> <p>10 Q. The fourth one was Vegh?</p> <p>11 A. Justin Vegh.</p> <p>12 Q. Were you aware that the members of your</p> <p>13 department were going to become Union members?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. Yes, I was aware.</p> <p>16 Q. How did you become aware of that?</p> <p>17 A. Before hearing anything from my team</p> <p>18 members I heard I was included in a conversation</p> <p>19 with John Wilkinson and Risley.</p> <p>20 Q. How did you spell Risley?</p> <p>21 A. R-i-s-l-e-y. I think the spelling is</p> <p>22 correct. I am not sure.</p> <p>23 Q. Who was Greg Risley at that time?</p> <p>24 A. VP of Operations.</p> <p>25 Q. Who was John Wilkinson at that time?</p>

4 (Pages 13 to 16)

October 7, 2016

<p style="text-align: right;">Page 17</p> <p>1 Suarez</p> <p>2 A. Director of Operations.</p> <p>3 Q. Was this an in-person conversation?</p> <p>4 A. Yes.</p> <p>5 Q. Where did this conversation take place?</p> <p>6 A. One of the conference rooms we used to</p> <p>7 have an operations meeting every week.</p> <p>8 Q. Tell me everything you remember about</p> <p>9 that conversation.</p> <p>10 A. Something about they were having</p> <p>11 conversations to include my team in the Union so</p> <p>12 they could drive machinery.</p> <p>13 Q. Before they became Union, were they</p> <p>14 allowed to drive machinery?</p> <p>15 A. Sometimes we had a hard time for them</p> <p>16 performing their job. I think they were allowed</p> <p>17 to use scissor lifts only.</p> <p>18 Q. After they became Union, were they</p> <p>19 allowed to use equipment other than scissor lifts?</p> <p>20 A. Yes.</p> <p>21 Q. What additional equipment were they</p> <p>22 allowed to use after they became Union members?</p> <p>23 A. Cherry pickers.</p> <p>24 Q. When you had that conversation with Greg</p> <p>25 Risley and John Wilkinson, did you have a basic</p>	<p style="text-align: right;">Page 19</p> <p>1 Suarez</p> <p>2 A. Yes. I don't remember dates or times.</p> <p>3 The conversation itself.</p> <p>4 Q. But is it fair to say at some point in</p> <p>5 time it was your opinion that inventory control</p> <p>6 clerks should be classified as warehouse</p> <p>7 employees?</p> <p>8 MR. MANGAN: Objection.</p> <p>9 A. It was my opinion.</p> <p>10 Q. What was that opinion based on?</p> <p>11 A. Based on basically they work in the</p> <p>12 warehouse.</p> <p>13 Q. To your knowledge, were the members of</p> <p>14 the Inventory Control Department, the only Union</p> <p>15 members who worked in the warehouse, but did not</p> <p>16 have the warehouse classification?</p> <p>17 MR. THORELL: Objection.</p> <p>18 MR. MANGAN: Objection.</p> <p>19 THE WITNESS: Can you repeat the</p> <p>20 question?</p> <p>21 (Whereupon, the last question was read</p> <p>22 back by the reporter.)</p> <p>23 A. No, there were more.</p> <p>24 Q. Who else worked in the warehouse, but</p> <p>25 did not have the warehouse classification?</p>
<p style="text-align: right;">Page 18</p> <p>1 Suarez</p> <p>2 understanding of the classifications in the</p> <p>3 contract?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. I had a basic understanding, yes,</p> <p>6 because of my job in the Payroll Department.</p> <p>7 Q. Was it your understanding there were two</p> <p>8 broad classifications of workers. Office and</p> <p>9 clerical employees on the one hand, and warehouse</p> <p>10 employees on the other hand?</p> <p>11 A. Yes.</p> <p>12 Q. In that conversation that you had with</p> <p>13 Greg Risley and John Wilkinson, was there any</p> <p>14 discussion whether the members of the Inventory</p> <p>15 Control Department would be classified as</p> <p>16 warehouse workers or office and clerical</p> <p>17 employees?</p> <p>18 MR. MANGAN: Objection.</p> <p>19 A. I don't remember.</p> <p>20 Q. At any time did you discuss with John</p> <p>21 Wilkinson whether members of the Inventory Control</p> <p>22 Department should be classified as warehouse</p> <p>23 employees?</p> <p>24 MR. MANGAN: Objection.</p> <p>25 MR. THORELL: Objection.</p>	<p style="text-align: right;">Page 20</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. The warehouse admins.</p> <p>4 Q. Besides the warehouse admins and the</p> <p>5 inventory control clerks, were there any other</p> <p>6 individuals who worked in the warehouse, but did</p> <p>7 not have the warehouse classification?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. Who else?</p> <p>11 A. Receiving clerks.</p> <p>12 Q. Are there any other categories of</p> <p>13 workers who worked in the warehouse you haven't</p> <p>14 mentioned that did not have the warehouse</p> <p>15 classification?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. Yes, security clerks.</p> <p>18 Q. Are there any other categories of</p> <p>19 workers that worked in the warehouse, but did not</p> <p>20 have the warehouse classification than what you</p> <p>21 already mentioned?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. I don't know of any others.</p> <p>24 Q. Now, the members of your department,</p> <p>25 they were allowed to use scissor lifts and cherry</p>

5 (Pages 17 to 20)

October 7, 2016

Page 21	Page 23
<p>1 Suarez</p> <p>2 pickers; correct?</p> <p>3 A. Yes.</p> <p>4 MR. THORELL: Objection.</p> <p>5 Q. Were they also allowed to use any other</p> <p>6 machinery in the warehouse on an as-needed basis?</p> <p>7 MR. THORELL: Objection.</p> <p>8 MR. MANGAN: Objection.</p> <p>9 A. No.</p> <p>10 Q. Who gave them permission to use cherry</p> <p>11 pickers?</p> <p>12 MR. THORELL: Objection.</p> <p>13 A. I did.</p> <p>14 Q. Who trained them in the use of cherry</p> <p>15 pickers?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. The safety director.</p> <p>18 Q. Was that a man by the name of Munoz?</p> <p>19 A. He is now, but before that it was Bill.</p> <p>20 I don't remember the name.</p> <p>21 Q. Was it Bob?</p> <p>22 A. I don't remember.</p> <p>23 Q. The warehouse admins, did they use</p> <p>24 cherry pickers?</p> <p>25 A. No, they don't.</p>	<p>1 Suarez</p> <p>2 Q. At any time during your employment, did</p> <p>3 you ever see any clerical employee other than</p> <p>4 members of the Inventory Control Department using</p> <p>5 cherry pickers?</p> <p>6 A. I have not.</p> <p>7 Q. Were you in the warehouse on a regular</p> <p>8 basis?</p> <p>9 A. Yes.</p> <p>10 Q. How frequently were you actually in the</p> <p>11 warehouse?</p> <p>12 MR. THORELL: Objection.</p> <p>13 A. Average, once a day. 10 to 15 minutes</p> <p>14 to and hour. That is average. Sometimes the</p> <p>15 entire day during physical inventories. Some</p> <p>16 other times in the office all day maybe.</p> <p>17 Q. The three women in your department were</p> <p>18 Tatiana, Ena and Josie; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever see any women other than</p> <p>21 Tati, Ena or Josie operating a scissor lift?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. No.</p> <p>24 Q. Other than Tati, Ena and Josie, did you</p> <p>25 ever see any women at Southern operate a cherry</p>
Page 22	Page 24
<p>1 Suarez</p> <p>2 Q. The warehouse admins, did they use</p> <p>3 scissor lifts?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. No, they don't.</p> <p>6 Q. Do they need to use scissor lifts to do</p> <p>7 their jobs?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. I don't think so.</p> <p>10 Q. What about receiving clerks? Did</p> <p>11 receiving clerks use any machinery to do their</p> <p>12 jobs?</p> <p>13 MR. THORELL: Objection.</p> <p>14 A. I don't think so.</p> <p>15 Q. How about security clerks? Do security</p> <p>16 clerks use scissor lifts or cherry pickers to do</p> <p>17 their jobs?</p> <p>18 MR. THORELL: Objection.</p> <p>19 A. I don't know.</p> <p>20 Q. Were the members of the Inventory</p> <p>21 Control Department the only employees classified</p> <p>22 as clerical who used the cherry pickers?</p> <p>23 MR. THORELL: Objection.</p> <p>24 MR. MANGAN: Objection.</p> <p>25 A. I am not sure.</p>	<p>1 Suarez</p> <p>2 picker?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. Do I count?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. You yourself used a cherry picker?</p> <p>8 A. Yes.</p> <p>9 Q. Were you trained in the use of a cherry</p> <p>10 picker?</p> <p>11 A. Yes.</p> <p>12 Q. Other than you, Tati, Ena and Josie, did</p> <p>13 you ever see any other woman at Southern use a</p> <p>14 cherry picker?</p> <p>15 A. No, I have not.</p> <p>16 Q. Were you issued safety footwear?</p> <p>17 A. Yes.</p> <p>18 Q. Were you issued a safety harness working</p> <p>19 at elevations?</p> <p>20 A. Yes.</p> <p>21 Q. Did you undergo safety training with</p> <p>22 regard to warehouse operations?</p> <p>23 A. Yes.</p> <p>24 Q. Did all of the members of your</p> <p>25 department receive safety shoes?</p>

6 (Pages 21 to 24)

October 7, 2016

Page 25	Page 27
<p>1 Suarez</p> <p>2 A. Yes.</p> <p>3 Q. Did they receive those safety shoes from</p> <p>4 Southern or through Southern's program?</p> <p>5 A. Yes.</p> <p>6 Q. How did they receive their safety shoes?</p> <p>7 MR. THORELL: Objection.</p> <p>8 A. A truck comes to the company, and they</p> <p>9 go pick the shoes up, and sign their name on the</p> <p>10 list already given to the vendors, and take the</p> <p>11 shoes.</p> <p>12 Q. Is this the same way you got your safety</p> <p>13 footwear?</p> <p>14 A. I think I have gone to the store a</p> <p>15 couple of times. Not gone to the truck.</p> <p>16 Q. How were the members of the Inventory</p> <p>17 Control Department issued safety harnesses?</p> <p>18 MR. THORELL: Objection.</p> <p>19 A. I am not sure what point the safety</p> <p>20 harnesses -- all the safety harnesses were behind</p> <p>21 the room and everybody went and took one. At one</p> <p>22 point I remember the safety manager coming to the</p> <p>23 office and bringing the harnesses for my</p> <p>24 department.</p> <p>25 Q. What is the purpose of the safety</p>	<p>1 Suarez</p> <p>2 Q. In each rack, how many palettes fit one</p> <p>3 on top of the other?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. Average, one per rack.</p> <p>6 Q. Do you know how high each rack is?</p> <p>7 A. No, I don't.</p> <p>8 Q. Is the first rack the same height as all</p> <p>9 the other racks?</p> <p>10 MR. THORELL: Objection.</p> <p>11 A. Sometimes. Not all the time.</p> <p>12 Q. If you stand by the first rack, is the</p> <p>13 first rack higher than you?</p> <p>14 A. No, it is not. Sorry. I don't know. I</p> <p>15 haven't measured myself against the rack.</p> <p>16 Q. Fine. Have there ever been any injuries</p> <p>17 from falls in the warehouse?</p> <p>18 MR. THORELL: Objection.</p> <p>19 A. I don't know details, but yes there have</p> <p>20 been.</p> <p>21 Q. What do you know about an injury from a</p> <p>22 fall in the warehouse?</p> <p>23 MR. MANGAN: Objection.</p> <p>24 A. Only what I hear. Somebody fell. No</p> <p>25 more than that.</p>
Page 26	Page 28
<p>1 Suarez</p> <p>2 harness?</p> <p>3 A. To protect the employee.</p> <p>4 Q. From what?</p> <p>5 A. Falls.</p> <p>6 Q. Is the safety harness attached to some</p> <p>7 type of winch or piece of equipment?</p> <p>8 A. Yes, they are supposed to attach one</p> <p>9 part of the harness to the machine.</p> <p>10 Q. And is there some type of elastic or</p> <p>11 bungee type material between the harness and the</p> <p>12 machine you attach it to?</p> <p>13 A. Yes.</p> <p>14 Q. How high up did members of the Inventory</p> <p>15 Control Department have to work to do their jobs?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. I don't know measurements, but they have</p> <p>18 to reach the highest racks.</p> <p>19 Q. How high off the floor approximately is</p> <p>20 the highest rack?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. I don't know measurements, but we are</p> <p>23 talking about the fifth level.</p> <p>24 Q. There are five racks?</p> <p>25 A. Yes.</p>	<p>1 Suarez</p> <p>2 Q. Was there a man who fell at Southern?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. Yes.</p> <p>5 Q. How long was he out of work for after he</p> <p>6 fell?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know if it was more or less than</p> <p>9 six months?</p> <p>10 A. No.</p> <p>11 Q. The members of your department did they</p> <p>12 wear any type of collared shirts to work?</p> <p>13 A. Yes.</p> <p>14 Q. Did they have a dress code?</p> <p>15 A. We all have a dress code, but it is the</p> <p>16 understanding that the warehouse people don't</p> <p>17 follow the dress code for the company shirts or</p> <p>18 ties. Office dress code. We have an office dress</p> <p>19 code.</p> <p>20 Q. Does the office dress code apply to the</p> <p>21 members of the Inventory Control Department?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. No.</p> <p>24 Q. Did the office dress code apply to</p> <p>25 admins who worked in the warehouse?</p>

7 (Pages 25 to 28)

October 7, 2016

Page 29	Page 31
<p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. I don't know.</p> <p>4 Q. Members of the Inventory Control</p> <p>5 Department when Josie worked there, would they</p> <p>6 come to work in jeans?</p> <p>7 A. Yes.</p> <p>8 Q. Could they come to work in sweat pants?</p> <p>9 A. Yes.</p> <p>10 Q. Could they come to work with a</p> <p>11 sweatshirt?</p> <p>12 A. Yes.</p> <p>13 Q. And would they come to work with other</p> <p>14 casual clothing?</p> <p>15 A. Yes.</p> <p>16 Q. Was it common for them to get dirty when</p> <p>17 they did their jobs?</p> <p>18 A. Yes.</p> <p>19 Q. Did they have any gloves?</p> <p>20 A. Yes.</p> <p>21 MR. THORELL: Objection.</p> <p>22 Q. Who issued the gloves?</p> <p>23 A. The company.</p> <p>24 Q. Besides gloves, safety harnesses and</p> <p>25 safety footwear, were members of the Inventory</p>	<p>1 Suarez</p> <p>2 A. It changed. At one point it was up to</p> <p>3 two cases, then up to five cases.</p> <p>4 Q. When was it up to two cases?</p> <p>5 A. I don't remember.</p> <p>6 Q. When was it changed up to five cases?</p> <p>7 A. I don't remember either, but it was one</p> <p>8 after the other. That is all I remember.</p> <p>9 Q. Is it up to two cases in total or up to</p> <p>10 two cases per location?</p> <p>11 MR. THORELL: Objection.</p> <p>12 A. Per location.</p> <p>13 Q. How many locations?</p> <p>14 A. That is my understanding.</p> <p>15 Q. What was that understanding from?</p> <p>16 A. From the instructions from my boss, John</p> <p>17 Wilkinson.</p> <p>18 Q. At the time that the inventory control</p> <p>19 clerks were allowed to move up to two cases per</p> <p>20 location, how many locations were there in the</p> <p>21 warehouse?</p> <p>22 MR. THORELL: Objection. Read that</p> <p>23 back.</p> <p>24 (Whereupon, the last question was read</p> <p>25 back by the reporter.)</p>
Page 30	Page 32
<p>1 Suarez</p> <p>2 Control Department issued any other safety</p> <p>3 equipment?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. I don't recall any other safety</p> <p>6 equipment.</p> <p>7 Q. How would you describe Josie as an</p> <p>8 employee?</p> <p>9 MR. THORELL: Objection.</p> <p>10 A. A very good employee.</p> <p>11 Q. Had you ever described her as a great</p> <p>12 employee?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever have any issues with</p> <p>15 Josie's work?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. Not that I remember.</p> <p>18 Q. Were members of the Inventory Control</p> <p>19 Department permitted to move cases in the</p> <p>20 warehouse?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. Yes.</p> <p>23 Q. Was there a limit to how many cases they</p> <p>24 could move per location?</p> <p>25 MR. THORELL: Objection.</p>	<p>1 Suarez</p> <p>2 A. I don't know for sure how many locations</p> <p>3 were in the warehouse at that point.</p> <p>4 Q. During the entire time you were the</p> <p>5 Inventory Control Manager, was there a physical</p> <p>6 location in the warehouse for each product sold by</p> <p>7 Southern Wine and Spirits?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. No, one item can have multiple</p> <p>10 locations.</p> <p>11 Q. How many, just so I understand? I am</p> <p>12 going to give you several hypotheticals here. Can</p> <p>13 one location have more than one item in it?</p> <p>14 A. Yes.</p> <p>15 Q. Was there at least one physical location</p> <p>16 for every item sold by Southern Wine & Spirits?</p> <p>17 A. Yes.</p> <p>18 MR. THORELL: Objection.</p> <p>19 Q. How many items were sold by Southern</p> <p>20 Wine & Spirits while you were the Inventory</p> <p>21 Control Manager?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. From 15,000 to 35,000.</p> <p>24 Q. Is it fair to say while you were the</p> <p>25 Inventory Control Manager there were between</p>

8 (Pages 29 to 32)

October 7, 2016

Page 33	Page 35
<p>1 Suarez</p> <p>2 15,000 and 35,000 locations in the warehouse?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. Yes.</p> <p>5 Q. Is it fair to say that inventory control</p> <p>6 clerks at different points in time could move</p> <p>7 between two cases and five cases for each one of</p> <p>8 those locations?</p> <p>9 THE WITNESS: Repeat the question.</p> <p>10 (Whereupon, the last question was read</p> <p>11 back by the reporter.)</p> <p>12 MR. THORELL: Objection.</p> <p>13 A. I don't think that is physically</p> <p>14 possible. I don't understand that. We really --</p> <p>15 Q. Well, they were permitted to move two</p> <p>16 cases per location; is that correct?</p> <p>17 A. Yes.</p> <p>18 MR. THORELL: Objection.</p> <p>19 Q. Later on it changed? They could move up</p> <p>20 to five cases per location; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Was there any limit placed on the total</p> <p>23 number of cases they can move in a given day? Let</p> <p>24 me make it clear. There was a limit placed on the</p> <p>25 number of cases they can move per location;</p>	<p>1 Suarez</p> <p>2 cases that Josie ever moved in a day?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. No, I don't know for sure.</p> <p>5 Q. Part of the job duties of inventory</p> <p>6 control clerks was to count merchandise?</p> <p>7 A. Yes.</p> <p>8 Q. Did they sometimes have to count</p> <p>9 merchandise by climbing onto palettes that were</p> <p>10 some distance from the warehouse floor?</p> <p>11 MR. MANGAN: Objection.</p> <p>12 A. Yes.</p> <p>13 Q. While they were climbing the palettes</p> <p>14 some distance from the warehouse floor, were they</p> <p>15 attached to the cherry picker with a lanyard or</p> <p>16 with a safety bungee cord?</p> <p>17 MR. THORELL: Objection.</p> <p>18 A. Yes.</p> <p>19 Q. Why were they not considered</p> <p>20 warehousemen?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. I don't know.</p> <p>23 Q. Did you tell John Wilkinson you believed</p> <p>24 they should be considered warehousemen for the</p> <p>25 purposes of their Union classification?</p>
Page 34	Page 36
<p>1 Suarez</p> <p>2 correct? Between two cases per location and/or</p> <p>3 five cases per location?</p> <p>4 A. I wouldn't say per location. I would</p> <p>5 say at a time.</p> <p>6 Q. What do you mean by at a time?</p> <p>7 A. I am the one giving out work. I will</p> <p>8 print a set of locations that need products to be</p> <p>9 moved. Most of the time it was bottles and</p> <p>10 sometimes there were cases. I will never give</p> <p>11 them work more than five cases per location, as</p> <p>12 you said, but the work was given from me. I</p> <p>13 wouldn't send like to move five cases from all</p> <p>14 locations. It was what was needed at that time.</p> <p>15 Q. Do you know the most number of cases</p> <p>16 that Tatiana moved in a day?</p> <p>17 MR. THORELL: Objection.</p> <p>18 A. No, I don't know the number for sure.</p> <p>19 Q. Do you know the total number of cases</p> <p>20 that Ena moved in a day?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. In general?</p> <p>23 Q. Ever.</p> <p>24 A. No.</p> <p>25 Q. Do you know what was the most number of</p>	<p>1 Suarez</p> <p>2 A. Like I said before, at one point I had a</p> <p>3 conversation. I don't remember dates or the</p> <p>4 conversation itself.</p> <p>5 Q. Did John ever get back to you after that</p> <p>6 conversation and report back anything?</p> <p>7 MR. THORELL: Objection.</p> <p>8 A. Not that I remember.</p> <p>9 Q. Do you recall speaking with an</p> <p>10 investigator after Josie filed her complaint?</p> <p>11 A. Yes.</p> <p>12 Q. Who was that investigator?</p> <p>13 A. I don't remember her name.</p> <p>14 Q. Do you remember the name Selena</p> <p>15 Seabrooks?</p> <p>16 A. Yes.</p> <p>17 MR. MOSER: Off the record.</p> <p>18 (Whereupon, a break was taken off the</p> <p>19 record.)</p> <p>20 (Back on the record.)</p> <p>21 MR. MOSER: I am going to show you</p> <p>22 Plaintiff's Exhibit 23.</p> <p>23 (Plaintiff's Exhibit 23, Document Bates</p> <p>24 stamped 225 through 229 marked for</p> <p>25 identification.) Not Plaintiff's Exhibit 34.</p>

9 (Pages 33 to 36)

October 7, 2016

Page 37	Page 39
<p>1 Suarez</p> <p>2 Just Exhibit 23.</p> <p>3 (Whereupon, a document was handed to the</p> <p>4 witness.)</p> <p>5 MR. MOSER: I would like you to take a</p> <p>6 couple of moments to look through this</p> <p>7 document.</p> <p>8 Q. You can pick it up and read it.</p> <p>9 A. Okay. I am familiar with this.</p> <p>10 Q. When for the first time did you see this</p> <p>11 document?</p> <p>12 A. I don't remember the exact date.</p> <p>13 Q. Was it sometime after September 13th of</p> <p>14 2013?</p> <p>15 A. Yes, it must have been. I don't</p> <p>16 remember the date.</p> <p>17 Q. Did someone send you this document?</p> <p>18 A. No.</p> <p>19 MR. THORELL: Objection.</p> <p>20 Q. Where were you when you first reviewed</p> <p>21 this document?</p> <p>22 A. At a conference room in Southern.</p> <p>23 Q. Was Ms. Selena Seabrooks present when</p> <p>24 you reviewed it?</p> <p>25 A. No.</p>	<p>1 Suarez</p> <p>2 A. I don't remember. This happened long</p> <p>3 ago. It is accurate to the best of my knowledge.</p> <p>4 MR. MOSER: I am going to draw your</p> <p>5 attention, just for the record, to properly</p> <p>6 identify the document. Bates stamp numbers</p> <p>7 PL 1291 through 1295 in the upper corner. If</p> <p>8 you look at the bottom of the page, Page 3 of</p> <p>9 5.</p> <p>10 Q. Towards the top it mentions you describe</p> <p>11 Josie as a great worker?</p> <p>12 A. Yes.</p> <p>13 MR. MOSER: If we turn towards the</p> <p>14 second paragraph from the bottom. I would</p> <p>15 like you to read that to yourself.</p> <p>16 MR. THORELL: The one that starts</p> <p>17 "Suarez stated."</p> <p>18 MR. MOSER: Yes.</p> <p>19 MR. THORELL: I am pointing to the area</p> <p>20 for the witness.</p> <p>21 MR. MOSER: You mentioned in -- if you</p> <p>22 look at the last sentence of that paragraph,</p> <p>23 you made a comment about Justin Vegh's</p> <p>24 classification out loud which is what you</p> <p>25 describe as an honest mistake.</p>
Page 38	Page 40
<p>1 Suarez</p> <p>2 Q. Who was present when you reviewed the</p> <p>3 document?</p> <p>4 A. Keith.</p> <p>5 Q. Keith Thorell?</p> <p>6 A. Yes.</p> <p>7 Q. Was Mr. Thorell present when</p> <p>8 Ms. Seabrooks interviewed you?</p> <p>9 A. No.</p> <p>10 Q. Did you review this document for</p> <p>11 accuracy?</p> <p>12 MR. THORELL: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Were you given the opportunity to make</p> <p>15 any corrections to this document?</p> <p>16 A. No.</p> <p>17 Q. When you reviewed it, did you at that</p> <p>18 time -- were its contents accurate?</p> <p>19 A. Sorry.</p> <p>20 Q. When you reviewed this document for the</p> <p>21 first time, were its contents accurate?</p> <p>22 A. I think so.</p> <p>23 Q. Is there anything you believe is</p> <p>24 inaccurate about this document as you sit here</p> <p>25 today?</p>	<p>1 Suarez</p> <p>2 Q. Why do you think it was a mistake to</p> <p>3 mention Mr. Vegh's classification out loud?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. Repeat the question.</p> <p>6 Q. Why do you think it was a mistake to</p> <p>7 mention Mr. Vegh's classification out loud?</p> <p>8 A. I think I did not mention the</p> <p>9 classification out loud. I think I was referring</p> <p>10 it was a mistake from payroll.</p> <p>11 Q. You were referring to that</p> <p>12 classification of Mr. Vegh as warehouse was due to</p> <p>13 an honest mistake in payroll?</p> <p>14 A. Yes.</p> <p>15 Q. Now, how often did the members of your</p> <p>16 department work with the warehousemen?</p> <p>17 MR. THORELL: Objection.</p> <p>18 A. Every day.</p> <p>19 Q. For how many hours every day did they</p> <p>20 work with warehousemen?</p> <p>21 MR. MOSER: Objection.</p> <p>22 A. There are no set hours.</p> <p>23 Q. You have an office at 345 Underhill?</p> <p>24 A. Yes.</p> <p>25 MR. THORELL: Now or back then?</p>

10 (Pages 37 to 40)

October 7, 2016

Page 41	Page 43
<p>1 Suarez</p> <p>2 Q. Back when Josie reported to you, did you</p> <p>3 have an office at 345 Underhill?</p> <p>4 A. Yes.</p> <p>5 Q. Did your office have a door? I am</p> <p>6 assuming it did.</p> <p>7 A. I have moved. At the beginning, no. It</p> <p>8 was one office for all of us. No doors. There</p> <p>9 were cubicles, then yes, I had an office with two</p> <p>10 doors.</p> <p>11 Q. When did your office change to the</p> <p>12 office with the two doors?</p> <p>13 A. I don't remember the day.</p> <p>14 Q. When there were just cubicles at that</p> <p>15 during that period of time when Josie reported to</p> <p>16 you, do you know how many hours members of the</p> <p>17 Inventory Control Team were spending on the</p> <p>18 warehouse floor?</p> <p>19 MR. MANGAN: Objection.</p> <p>20 A. Yes.</p> <p>21 Q. Back at this time, how many hours per</p> <p>22 day were they spending on the warehouse floor?</p> <p>23 MR. THORELL: Objection.</p> <p>24 MR. MANGAN: Objection.</p> <p>25 A. At that time, most of the day.</p>	<p>1 Suarez</p> <p>2 facing?</p> <p>3 A. I moved my desk many times.</p> <p>4 Q. How many times in total did you move</p> <p>5 your desk?</p> <p>6 A. I remember twice.</p> <p>7 Q. Where your office desk was first</p> <p>8 located, when you sat at that desk, where was the</p> <p>9 window?</p> <p>10 A. The windows were at my left. The wall</p> <p>11 was on my right.</p> <p>12 Q. Where were the doors?</p> <p>13 A. One behind me and one in front of me.</p> <p>14 Q. At that time, were the doors usually</p> <p>15 opened or closed?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. The one behind me, closed. The one in</p> <p>18 front of me, opened.</p> <p>19 Q. As you were sitting at your desk, what</p> <p>20 could you see, if anything, outside the front door</p> <p>21 to your office?</p> <p>22 A. The office desks of my team.</p> <p>23 Q. Did you ever keep track of how much time</p> <p>24 your team was spending in the office v. in the</p> <p>25 warehouse?</p>
Page 42	Page 44
<p>1 Suarez</p> <p>2 Q. Do you have any reason to believe that</p> <p>3 that ever changed when you got your own office?</p> <p>4 A. It changed a bit, yes.</p> <p>5 Q. How did it change?</p> <p>6 A. It was more time because we are not as</p> <p>7 close to the warehouse as we were before. So</p> <p>8 there was more time for preparation of paperwork</p> <p>9 to go into our -- for them to go into their</p> <p>10 research and counts and work in the warehouse, and</p> <p>11 also they needed time to come back and to do</p> <p>12 reconciliation of accounts, replying to e-mails to</p> <p>13 the office. Yes.</p> <p>14 Q. When you got your own office, it had two</p> <p>15 doors?</p> <p>16 A. Yes.</p> <p>17 Q. Did you usually keep those doors open or</p> <p>18 closed?</p> <p>19 MR. THORELL: Objection.</p> <p>20 A. Well, generally opened and the other</p> <p>21 door generally closed.</p> <p>22 Q. Was there a window to that office?</p> <p>23 A. Yes.</p> <p>24 Q. When you were sitting at your desk,</p> <p>25 where was the window with regard to where you were</p>	<p>1 Suarez</p> <p>2 A. I honestly keep track of their work more</p> <p>3 than their time.</p> <p>4 Q. During the time period you had your</p> <p>5 office, did they spend more time in the office or</p> <p>6 in the warehouse?</p> <p>7 A. I would say average of 50/50.</p> <p>8 Q. Were there times when you had your own</p> <p>9 office that the members of the Inventory Control</p> <p>10 Department spent all of their time in the</p> <p>11 warehouse?</p> <p>12 A. Yes.</p> <p>13 Q. Are Ena and Tatiana suing Southern?</p> <p>14 A. I heard about it, but I don't know for</p> <p>15 sure.</p> <p>16 Q. What did you hear? I don't want to know</p> <p>17 about anything you spoke about with Mr. Thorell.</p> <p>18 That is entirely confidential. Nothing you spoke</p> <p>19 with him about. Other than Mr. Thorell, did you</p> <p>20 speak with anyone about whether Ena and Tatiana</p> <p>21 are suing Southern?</p> <p>22 A. In I think June or July of this year the</p> <p>23 head of HR asked me about if I am available for a</p> <p>24 deposition on Ena and Tatiana's case. That is</p> <p>25 all. Nothing in writing. Just that.</p>

11 (Pages 41 to 44)

October 7, 2016

Page 45	Page 47
<p>1 Suarez</p> <p>2 Q. Do you know what this case is about?</p> <p>3 A. I haven't received anything in writing.</p> <p>4 I don't know for sure. I only know Josie is suing</p> <p>5 the company and what I heard in the morning at the</p> <p>6 Union.</p> <p>7 Q. Were warehousemen, to your knowledge,</p> <p>8 eligible for something called top pay?</p> <p>9 A. I don't know what top pay is really.</p> <p>10 Q. Were warehousemen guaranteed overtime?</p> <p>11 A. Yes.</p> <p>12 Q. Were members of the Inventory Control</p> <p>13 Department guaranteed overtime?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. No.</p> <p>16 MR. MOSER: I have been referring to</p> <p>17 them as warehousemen.</p> <p>18 Q. The people who have the warehouse</p> <p>19 classification at Southern Wine & Spirits, are all</p> <p>20 of the people who have the warehouse</p> <p>21 classification at Southern Wine & Spirits men?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. To the best of my knowledge, yes.</p> <p>24 Q. Do you know why that is?</p> <p>25 A. No.</p>	<p>1 Suarez</p> <p>2 A. About 100.</p> <p>3 Q. When you were in payroll, were</p> <p>4 warehousemen union members?</p> <p>5 A. Yes.</p> <p>6 Q. Was Ronnie the Union Shop Steward at</p> <p>7 that point?</p> <p>8 A. No.</p> <p>9 Q. Was Ronnie an employee at that point</p> <p>10 when you were doing payroll?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have any opinions about the way</p> <p>13 the Union treated members of the Inventory Control</p> <p>14 Team?</p> <p>15 MR. THORELL: Objection.</p> <p>16 MR. MANGAN: Objection.</p> <p>17 A. The Union?</p> <p>18 Q. Yes. Or Ronnie.</p> <p>19 A. No, I don't have opinions about the</p> <p>20 Union.</p> <p>21 Q. Do you have opinions about the way</p> <p>22 Ronnie treated members of the Inventory Control</p> <p>23 Team?</p> <p>24 MR. MANGAN: Objection.</p> <p>25 A. Yes, my opinion was formed from what my</p>
Page 46	Page 48
<p>1 Suarez</p> <p>2 Q. Have you ever asked anyone why that is?</p> <p>3 A. No.</p> <p>4 Q. Has that ever been a topic of discussion</p> <p>5 at Southern Wine & Spirits why all of the people</p> <p>6 who have the warehouse classification are men?</p> <p>7 MR. MANGAN: Objection.</p> <p>8 A. I have never participated in those</p> <p>9 conversations. I don't remember.</p> <p>10 Q. Have you ever heard a conversation</p> <p>11 regarding why all of the people who have the</p> <p>12 warehouse classification are men at Southern?</p> <p>13 A. No.</p> <p>14 Q. How many warehouse employees are</p> <p>15 there --</p> <p>16 MR. THORELL: Objection.</p> <p>17 Q. -- by warehouse employees, I mean</p> <p>18 warehousemen who have a warehouse classification?</p> <p>19 MR. THORELL: Objection.</p> <p>20 A. I don't know. It changed since I was in</p> <p>21 payroll. I don't keep track of the number.</p> <p>22 Q. When you were in payroll how many</p> <p>23 warehousemen were there?</p> <p>24 MR. THORELL: All shifts?</p> <p>25 MR. MOSER: In all shifts.</p>	<p>1 Suarez</p> <p>2 team members reported to me.</p> <p>3 Q. What did your team members report to</p> <p>4 you?</p> <p>5 A. At one time, I sent my people to</p> <p>6 re-label one part of the warehouse location.</p> <p>7 Applying labels to the location to the racks.</p> <p>8 They came back and said Ronnie told them that was</p> <p>9 a Union job.</p> <p>10 Q. That was before they became Union</p> <p>11 members?</p> <p>12 A. No, they were Union already.</p> <p>13 Q. Other than that, did the members of your</p> <p>14 department tell you anything else about Ronnie</p> <p>15 that formed your opinion about Ronnie?</p> <p>16 A. A few times they have issues with the</p> <p>17 paychecks or wanted to ask anything about the</p> <p>18 Union and he didn't help them. He sent them to</p> <p>19 the shop steward, or customer service, or some</p> <p>20 other shop steward. He didn't want to help them.</p> <p>21 Q. Did you ever have any conversations with</p> <p>22 Ronnie about the way the members of your</p> <p>23 department were classified?</p> <p>24 A. No. Only one time I told him if he has</p> <p>25 anything to tell to my people, to come to me and</p>

12 (Pages 45 to 48)

October 7, 2016

Page 49	Page 51
<p>1 Suarez</p> <p>2 tell me or go to my boss and tell him. That was</p> <p>3 the only thing about the Union issue. That was it</p> <p>4 between us.</p> <p>5 Q. When was that? When did you tell that</p> <p>6 to him?</p> <p>7 A. I don't remember.</p> <p>8 Q. How did Ronnie respond to you?</p> <p>9 A. He didn't say much. I don't think he</p> <p>10 said anything.</p> <p>11 Q. Were warehousemen permitted to park next</p> <p>12 to the building?</p> <p>13 MR. THORELL: Objection.</p> <p>14 A. Not at the 345 parking lot.</p> <p>15 Q. Where were they supposed to park?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. At the truck entrance. The receiving</p> <p>18 entrance, or 313, or 225.</p> <p>19 Q. Why was that?</p> <p>20 A. I am not sure. They explained something</p> <p>21 to me. I really didn't understand.</p> <p>22 Q. Were the members of your department told</p> <p>23 they had to park with the warehousemen?</p> <p>24 A. Yes.</p> <p>25 Q. Did they have to park with the</p>	<p>1 Suarez</p> <p>2 Q. Why did you personally feel that your</p> <p>3 team should be considered warehouse?</p> <p>4 A. Because they work in the warehouse.</p> <p>5 They drive machinery. They are exposed to the</p> <p>6 same conditions as the warehousemen.</p> <p>7 MR. MOSER: If we look a little bit</p> <p>8 further down, I am going to read this into</p> <p>9 the record, then I will have a question. If</p> <p>10 you look at the fifth line in the third</p> <p>11 paragraph. "After the Union recognized her</p> <p>12 department, Suarez said she asked Wilkinson</p> <p>13 to have her group considered as part of the</p> <p>14 warehouse. Suarez said she believed</p> <p>15 Wilkinson attempted to achieve this.</p> <p>16 However, the Union denied allowing the</p> <p>17 department to be recognized as part of the</p> <p>18 warehouse. Suarez argued her employees wore</p> <p>19 boots similar to a warehouse worker and were</p> <p>20 exposed to the same hazards as a warehouse</p> <p>21 worker. She further stated prior to her</p> <p>22 department being recognized as part of the</p> <p>23 Union, the employees worked 40 hours per</p> <p>24 week, 8 hours per day. Since then, their</p> <p>25 work decreased to 35 hours per week, 7 hours</p>
Page 50	Page 52
<p>1 Suarez</p> <p>2 warehousemen the entire year or just part of the</p> <p>3 year?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. That, I don't know.</p> <p>6 Q. Did you tell the members of your team</p> <p>7 they had to park with the warehousemen?</p> <p>8 A. I forwarded them a couple of e-mails</p> <p>9 from Dave.</p> <p>10 Q. Dave who?</p> <p>11 A. David. The head of security.</p> <p>12 Q. Spell the last name?</p> <p>13 A. Dougherty. D-o-u-g-h-e-r-t-y.</p> <p>14 Q. Do you know why your staff had to park</p> <p>15 with the warehousemen?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. Again, I am not sure. Dave explained</p> <p>18 this to me, but I am not sure I understood at that</p> <p>19 time. By now, I forgot.</p> <p>20 MR. MOSER: Let's look at Page 4 of 5.</p> <p>21 Are you open to that page? If you look at</p> <p>22 the third paragraph from the top, it says</p> <p>23 here, "Suarez then commented that she</p> <p>24 personally felt that her team should be</p> <p>25 considered warehouse."</p>	<p>1 Suarez</p> <p>2 per day."</p> <p>3 Q. Does this refresh your memory of your</p> <p>4 conversation with John Wilkinson?</p> <p>5 A. Yes, I remember talking to him, but I</p> <p>6 don't remember the dates. I don't remember him</p> <p>7 getting back to me or nothing of the sort.</p> <p>8 Q. Did Mr. Wilkinson ever say he agreed</p> <p>9 with you that members of your department should be</p> <p>10 classified as warehouse employees?</p> <p>11 A. No, I don't remember him ever saying</p> <p>12 that.</p> <p>13 Q. Did he ever approve that the members of</p> <p>14 your department would be reclassified as warehouse</p> <p>15 employees?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. Not that I know of.</p> <p>18 MR. MOSER: Mark this.</p> <p>19 (Plaintiff's Exhibit 24, Document Bates</p> <p>20 stamped 850 and 851, marked for</p> <p>21 identification.)</p> <p>22 MR. MOSER: I draw your attention to</p> <p>23 this document which has the Bates stamped</p> <p>24 PL-850 and 0851 in the upper right corner.</p> <p>25 Turn to the second page, PL-0851. The bottom</p>

13 (Pages 49 to 52)

October 7, 2016

Page 53	Page 55
<p>1 Suarez</p> <p>2 e-mail.</p> <p>3 Q. Was this sent by you?</p> <p>4 A. Yes.</p> <p>5 Q. Who was it sent to?</p> <p>6 A. My boss, John Wilkinson.</p> <p>7 Q. May 2, 2013? Was that May 2, 2013?</p> <p>8 A. Only by what it says here, yes.</p> <p>9 Q. Did you write, "I think the best way to</p> <p>10 do it is to insist on all of them to be moved to a</p> <p>11 new department as per our previous conversation</p> <p>12 and approved by you?"</p> <p>13 A. Yes.</p> <p>14 Q. What did you mean by "them?" Is "them"</p> <p>15 referring to all of the members of the Inventory</p> <p>16 Control Department?</p> <p>17 A. Yes.</p> <p>18 Q. When you say that they should be "moved</p> <p>19 to a new department" what are you referring to?</p> <p>20 A. Payroll division.</p> <p>21 Q. What payroll division would they be</p> <p>22 moved to?</p> <p>23 A. By themselves. One department that</p> <p>24 payroll generates all the pages by their division.</p> <p>25 I wanted my people to be printed on a separate</p>	<p>1 Suarez</p> <p>2 A. No. No salaries.</p> <p>3 Q. Did you have access to how much your</p> <p>4 employees were earning?</p> <p>5 MR. THORELL: Objection.</p> <p>6 A. No. Limited access.</p> <p>7 Q. How would you obtain access?</p> <p>8 A. Just at the beginning. When I hired</p> <p>9 them, I was given the current rate of pay for a</p> <p>10 starting position. I know in general that they</p> <p>11 are given raises every year, but other than that,</p> <p>12 no.</p> <p>13 Q. Do you know whether Justin Vegh was</p> <p>14 earning more per hour than Ena and Tati for any</p> <p>15 period of time?</p> <p>16 A. No, I wouldn't know.</p> <p>17 Q. During this investigation did Selena</p> <p>18 Seabrooks ever show you the payroll records of any</p> <p>19 of the individuals in your department to show you</p> <p>20 what their relative earnings were?</p> <p>21 A. I don't remember that.</p> <p>22 MR. MOSER: Go to the next paragraph.</p> <p>23 On Exhibit 23, Page 4 of 5. Bates number PL</p> <p>24 1294. The fourth paragraph. The second line</p> <p>25 from the top. "Suarez indicated."</p>
Page 54	Page 56
<p>1 Suarez</p> <p>2 page. Payroll included my people and everybody</p> <p>3 else working in the warehouse in one department,</p> <p>4 which is actually two departments. Warehouse</p> <p>5 days. Warehouse nights. They were in the same</p> <p>6 division department with all the warehouse. The</p> <p>7 day employees.</p> <p>8 Q. The payroll for inventory control clerks</p> <p>9 was included with all of the payroll of the</p> <p>10 warehouse workers?</p> <p>11 A. Yes.</p> <p>12 Q. Why was that?</p> <p>13 MR. THORELL: Objection.</p> <p>14 Q. Do you know why that was done that way?</p> <p>15 A. No, I don't.</p> <p>16 Q. Did you have access to the warehouse</p> <p>17 payroll?</p> <p>18 A. Yes, when I had access to my people's</p> <p>19 payroll, I had access to the warehouse payroll.</p> <p>20 That is why I wanted them to be moved separate so</p> <p>21 I just wanted to see them and I don't want them to</p> <p>22 be, I guess, on the same payroll page with</p> <p>23 everybody else.</p> <p>24 Q. Did you have access to how much Ronnie</p> <p>25 was earning?</p>	<p>1 Suarez</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 MR. MOSER: "Suarez indicated she</p> <p>5 approached Wilkinson and Risley with this</p> <p>6 concern when her department initially became</p> <p>7 recognized by the Union in December 2008."</p> <p>8 Q. So, does this refresh your recollection</p> <p>9 as to when your department went Union?</p> <p>10 A. Even with this, I wouldn't remember the</p> <p>11 dates clearly, but I will go by this.</p> <p>12 Q. Do you have any reason to believe this</p> <p>13 is incorrect?</p> <p>14 A. No, I don't.</p> <p>15 Q. Would you ever tell Selena Seabrooks</p> <p>16 something that was incorrect or false?</p> <p>17 MR. THORELL: What was the question?</p> <p>18 A. No, I wouldn't.</p> <p>19 Q. Was there anyone other than you that had</p> <p>20 more knowledge of what the members of your team</p> <p>21 were doing on a daily basis in December of 2008?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. I don't think so.</p> <p>24 Q. Is it fair to say you were the person</p> <p>25 with the most knowledge in December of 2008 about</p>

14 (Pages 53 to 56)

October 7, 2016

Page 57	Page 59
<p>1 Suarez</p> <p>2 what the members of the Inventory Control Team</p> <p>3 were doing?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. Before they went Union, did any Union</p> <p>7 member come and ask you about what the members of</p> <p>8 your department were doing?</p> <p>9 A. No.</p> <p>10 Q. Did anyone come and ask you any</p> <p>11 questions about the daily activities of the</p> <p>12 members of your department before they went Union</p> <p>13 in December of 2008?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. No.</p> <p>16 Q. Do you know how they decided that the</p> <p>17 members of your department would not join the</p> <p>18 warehouse classification but would join the office</p> <p>19 or clerical classification?</p> <p>20 MR. THORELL: Objection.</p> <p>21 A. Did I know how? No, I didn't.</p> <p>22 Q. If they asked you before they made that</p> <p>23 decision to classify them as clerical what would</p> <p>24 you have told them?</p> <p>25 MR. THORELL: Objection.</p>	<p>1 Suarez</p> <p>2 MR. THORELL: Okay I see it.</p> <p>3 A. I don't remember if I used the word</p> <p>4 "blame," but I was told by Greg and John that it</p> <p>5 was the Union who didn't accept them as a</p> <p>6 warehousemen.</p> <p>7 Q. Did you believe at that time that Greg</p> <p>8 and John had gone to the Union and asked the Union</p> <p>9 for the members of your team to be classified as</p> <p>10 warehousemen?</p> <p>11 MR. MANGAN: Objection.</p> <p>12 A. I don't know for sure.</p> <p>13 Q. Is that what they told you?</p> <p>14 MR. MANGAN: Objection.</p> <p>15 A. More or less what they told me is that</p> <p>16 Greg said something like "I tried, but I don't</p> <p>17 know anymore."</p> <p>18 Q. When he said, "I tried," that was in</p> <p>19 context of getting the members of your department</p> <p>20 reclassified from clerical workers to warehouse</p> <p>21 workers; correct?</p> <p>22 MR. THORELL: Objection.</p> <p>23 MR. MANGAN: Objection.</p> <p>24 A. It was at the beginning when they joined</p> <p>25 the Union. I insisted they were warehouse or had</p>
Page 58	Page 60
<p>1 Suarez</p> <p>2 A. They didn't ask me, but I did say to</p> <p>3 John and Greg they should be warehouse.</p> <p>4 Q. If they asked you before the decision</p> <p>5 was made, would you have said they should be</p> <p>6 warehouse employees?</p> <p>7 A. Yes.</p> <p>8 Q. Did you understand at that point in time</p> <p>9 there was a select group of employees who could</p> <p>10 earn top pay?</p> <p>11 MR. MANGAN: Objection.</p> <p>12 A. No.</p> <p>13 Q. Did you understand that if your</p> <p>14 department was entitled to the warehouse</p> <p>15 classification, that Josie might be eligible for</p> <p>16 top pay instead of another warehousemen?</p> <p>17 MR. THORELL: Objection.</p> <p>18 MR. MANGAN: Objection.</p> <p>19 A. No.</p> <p>20 Q. It says here you stated that you "did</p> <p>21 not blame Wilkinson or the company" but instead</p> <p>22 said "it was the Union."</p> <p>23 MR. THORELL: Where did you read that.</p> <p>24 Q. Look at the middle of the fourth</p> <p>25 paragraph.</p>	<p>1 Suarez</p> <p>2 conversations with John and Greg.</p> <p>3 Q. In December of 2008, was your department</p> <p>4 exclusively female?</p> <p>5 A. I am not sure when Justin was hired.</p> <p>6 Q. Wasn't Justin hired in February 2009?</p> <p>7 A. I don't know for sure. I should have</p> <p>8 prepared with dates saying stuff like that if I</p> <p>9 would know.</p> <p>10 MR. MOSER: Mark this.</p> <p>11 (Plaintiff's Exhibit 25, Document Bates</p> <p>12 stamped 1619 through 1632, marked for</p> <p>13 identification.)</p> <p>14 Q. Have you ever seen this document before</p> <p>15 today?</p> <p>16 A. No.</p> <p>17 MR. MOSER: I am going to draw your</p> <p>18 attention to page PL-1621 on the upper right</p> <p>19 hand corner. Page 3 of 14. This is a report</p> <p>20 from Selena Seabrooks actually furnished to</p> <p>21 the EEOC, Equal Employment Opportunity</p> <p>22 Commission. It says towards the bottom, the</p> <p>23 second paragraph from bottom, "On February 2,</p> <p>24 2009, Vegh began working for Southern as a</p> <p>25 full-time inventory control clerk."</p>

15 (Pages 57 to 60)

October 7, 2016

Page 61	Page 63
<p>1 Suarez</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have any reason to believe this</p> <p>5 information is incorrect?</p> <p>6 A. No.</p> <p>7 Q. That would mean in December of 2008,</p> <p>8 your department was 100 percent female; is that</p> <p>9 correct?</p> <p>10 MR. THORELL: Objection.</p> <p>11 A. Yes. Hired employees. I had temps</p> <p>12 working.</p> <p>13 Q. Your full-time staff was one hundred</p> <p>14 percent female?</p> <p>15 A. Yes.</p> <p>16 Q. Did you believe that the Union's reason</p> <p>17 for denying women the warehouse classification was</p> <p>18 because they were women?</p> <p>19 MR. THORELL: Objection.</p> <p>20 MR. MANGAN: Objection.</p> <p>21 A. I wouldn't know.</p> <p>22 Q. Did Mr. Risley or Mr. Wilkinson tell you</p> <p>23 the reasons why they believed the women in your</p> <p>24 department were not classified as warehousemen?</p> <p>25 A. No.</p>	<p>1 Suarez</p> <p>2 but the final word was John's.</p> <p>3 Q. Did you select who to interview for that</p> <p>4 position?</p> <p>5 A. I don't remember if at that time I was</p> <p>6 given the files by HR like it is the way it is</p> <p>7 now. I don't remember at the time who gave me the</p> <p>8 names, but I remember that the selection I made,</p> <p>9 both of them were temps working for me already.</p> <p>10 Q. Who were the two temps who you chose</p> <p>11 from?</p> <p>12 A. I think the other name was Michael. I</p> <p>13 don't remember very well.</p> <p>14 Q. Did you interview any women for that</p> <p>15 position?</p> <p>16 A. I had I think one more temp woman</p> <p>17 working for me, but I selected only the two of</p> <p>18 them. Michael and Justin.</p> <p>19 Q. You selected them why?</p> <p>20 A. They were the best temps. The best</p> <p>21 workers I had at that time.</p> <p>22 Q. How did Justin get his job as a temp?</p> <p>23 MR. THORELL: Objection.</p> <p>24 A. I called one of the staff agencies</p> <p>25 asking for workers.</p>
Page 62	Page 64
<p>1 Suarez</p> <p>2 Q. Did Risley disagree with you when you</p> <p>3 told him you believed the members of your</p> <p>4 department should be classified as warehouse</p> <p>5 employees?</p> <p>6 MR. THORELL: Objection.</p> <p>7 A. It seemed at the time both John and Greg</p> <p>8 agreed with me.</p> <p>9 Q. Is it fair to say Justin Vegh was hired</p> <p>10 after you complained to John Wilkinson and Greg</p> <p>11 Risley that the members of your department should</p> <p>12 be classified as warehouse?</p> <p>13 MR. THORELL: Objection.</p> <p>14 MR. MANGAN: Objection.</p> <p>15 A. I don't understand the question you are</p> <p>16 asking for. If this was the reason?</p> <p>17 Q. I am not asking if that was the reason.</p> <p>18 I am asking, was he actually hired after you</p> <p>19 complained that your department should be</p> <p>20 classified as warehouse?</p> <p>21 MR. THORELL: Objection.</p> <p>22 MR. MANGAN: Objection.</p> <p>23 A. Yes, he was hired after.</p> <p>24 Q. Did you hire Justin?</p> <p>25 A. I interviewed him and I selected him,</p>	<p>1 Suarez</p> <p>2 Q. How did Michael get his job as a temp?</p> <p>3 A. The same way.</p> <p>4 MR. THORELL: Objection.</p> <p>5 Q. Michael was a man?</p> <p>6 A. Yes.</p> <p>7 Q. Was Justin white?</p> <p>8 A. Yes.</p> <p>9 Q. Was Michael white?</p> <p>10 A. No. A black man.</p> <p>11 Q. Was Ronnie a member of a firehouse?</p> <p>12 MR. THORELL: Objection.</p> <p>13 MR. MANGAN: Objection.</p> <p>14 A. I don't know.</p> <p>15 Q. Is Justin a member of the firehouse?</p> <p>16 MR. THORELL: Objection.</p> <p>17 MR. MANGAN: Objection.</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know how the temp agency selected</p> <p>20 Justin and Michael?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. No, they were two different temp</p> <p>23 agencies.</p> <p>24 Q. What were the two different temp</p> <p>25 agencies?</p>

16 (Pages 61 to 64)

October 7, 2016

<p style="text-align: right;">Page 65</p> <p>1 Suarez</p> <p>2 A. Justin and somebody else. A lady that</p> <p>3 didn't last long came from Accountemps, and</p> <p>4 Michael and three other temps came from -- I don't</p> <p>5 remember the name. The staffing agency that</p> <p>6 already worked in the warehouse and provided with</p> <p>7 drivers and helpers.</p> <p>8 Q. When Justin worked as a temp, was his</p> <p>9 paycheck issued by Southern or by Accountemps?</p> <p>10 MR. THORELL: Objection.</p> <p>11 A. Accountemps.</p> <p>12 Q. When Justin worked as a temp at Southern</p> <p>13 Wine and Spirits, did he have to fill out an</p> <p>14 employment application or was one already done</p> <p>15 through Accountemps?</p> <p>16 MR. THORELL: Objection.</p> <p>17 MR. MANGAN: Objection.</p> <p>18 A. Everything was done through HR, so I am</p> <p>19 not sure about the details. I only had to report</p> <p>20 hours to HR and they deal with the agencies.</p> <p>21 Q. Can you describe the duties of an</p> <p>22 inventory control clerk?</p> <p>23 MR. MANGAN: When?</p> <p>24 Q. Did the duties of inventory control</p> <p>25 clerks remain more or less the same during the</p>	<p style="text-align: right;">Page 67</p> <p>1 Suarez</p> <p>2 Q. Are you familiar with what the job</p> <p>3 duties of a shipping and receiving clerk were</p> <p>4 between 2008 and the time Josie left?</p> <p>5 MR. THORELL: Objection.</p> <p>6 A. In general.</p> <p>7 Q. In general, what were the duties of a</p> <p>8 shipping and receiving clerk during that time</p> <p>9 period?</p> <p>10 A. They prepared the paperwork. Print the</p> <p>11 paperwork. I think it was only one clerk during</p> <p>12 the day shift. They keep the log. They forward</p> <p>13 paperwork to the Accounting Department.</p> <p>14 Q. Who was the shipping and receiving clerk</p> <p>15 for the day?</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. Paul Kazan.</p> <p>18 Q. Was he a warehouseman?</p> <p>19 A. Not that I know of.</p> <p>20 Q. Who was the shipping and receiving clerk</p> <p>21 for the night?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. I don't think we had anybody at night.</p> <p>24 Q. The shipping and receiving clerk is a</p> <p>25 day position to your understanding?</p>
<p style="text-align: right;">Page 66</p> <p>1 Suarez</p> <p>2 time period that Josie worked for Southern?</p> <p>3 A. Yes.</p> <p>4 Q. Could you please describe the duties of</p> <p>5 an inventory control clerk?</p> <p>6 A. Basically, cycle counts. Comparing the</p> <p>7 physical inventory against inventory books.</p> <p>8 Q. I am learning a lot about inventory. It</p> <p>9 is my understanding that physical inventory, that</p> <p>10 refers to the actual product that is on the</p> <p>11 shelves or on the floor in the warehouse?</p> <p>12 A. Yes.</p> <p>13 Q. Then there is a paper record or</p> <p>14 electronic record of that inventory?</p> <p>15 A. Yes.</p> <p>16 Q. That is kept in a data?</p> <p>17 A. Yes.</p> <p>18 Q. The essence of Josie's job was to make</p> <p>19 sure that the inventory that was in the warehouse</p> <p>20 matched the inventory in the computer?</p> <p>21 A. Yes.</p> <p>22 Q. Are you familiar with something called a</p> <p>23 shipping and receiving clerk, or checker?</p> <p>24 A. I will change it to "and checker." They</p> <p>25 are two different positions.</p>	<p style="text-align: right;">Page 68</p> <p>1 Suarez</p> <p>2 A. Yes.</p> <p>3 Q. The shipping and receiving clerk to your</p> <p>4 understanding worked during the day?</p> <p>5 MR. THORELL: Now or back then?</p> <p>6 MR. MOSER: Back then.</p> <p>7 A. I didn't know about anybody working at</p> <p>8 night in that position.</p> <p>9 Q. Are you familiar with the job duties of</p> <p>10 the checker?</p> <p>11 A. In general.</p> <p>12 Q. Did the job duties of checkers remain</p> <p>13 more or less the same from December 2008 until the</p> <p>14 time Josie left?</p> <p>15 MR. THORELL: Objection.</p> <p>16 A. I believe so.</p> <p>17 Q. Describe for me your duties as a checker</p> <p>18 as you understood them?</p> <p>19 A. Compare the receiving paperwork to the</p> <p>20 purchase orders. Bill of lading against the</p> <p>21 merchandise. The actual merchandise received by</p> <p>22 the company and count the product.</p> <p>23 MR. MOSER: I am going to over simplify</p> <p>24 this. Just a simplification. You can</p> <p>25 disagree with me if I wrong.</p>

17 (Pages 65 to 68)

October 7, 2016

Page 69	Page 71
<p>1 Suarez</p> <p>2 Q. When a shipment of merchandise is</p> <p>3 received by Southern, there is a certain amount of</p> <p>4 product that is actually on that truck that</p> <p>5 arrives; correct?</p> <p>6 A. Yes.</p> <p>7 Q. That product -- there is paperwork for</p> <p>8 that product to show what is actually on that</p> <p>9 truck; is that fair to say?</p> <p>10 A. Yes.</p> <p>11 Q. Is it the checker's job to make sure</p> <p>12 that the physical items on the truck actually</p> <p>13 match the paperwork that is received?</p> <p>14 MR. MANGAN: Objection.</p> <p>15 A. Yes.</p> <p>16 Q. What the Inventory Control Department</p> <p>17 does on a warehouse basis, is it fair to say, that</p> <p>18 is the same thing that a checker does for an</p> <p>19 individual shipment that arrives?</p> <p>20 MR. THORELL: Objection.</p> <p>21 MR. MANGAN: Objection.</p> <p>22 A. In my opinion, yes.</p> <p>23 MR. MOSER: Let's talk about the year</p> <p>24 2009.</p> <p>25 Q. How many shipments of product were</p>	<p>1 Suarez</p> <p>2 you know?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. I would say Andy Sidler (phonetic).</p> <p>5 Q. Beside Mr. Sidler, do you know of any</p> <p>6 other checkers?</p> <p>7 A. I don't know for sure.</p> <p>8 Q. Is Kevin Eisenbaum (phonetic) a checker?</p> <p>9 MR. THORELL: Objection.</p> <p>10 A. I don't know.</p> <p>11 Q. Do any warehousemen have e-mail</p> <p>12 addresses?</p> <p>13 MR. THORELL: Objection.</p> <p>14 A. Yes.</p> <p>15 Q. Have warehousemen had e-mail addresses</p> <p>16 since December of 2008?</p> <p>17 MR. THORELL: Objection.</p> <p>18 A. I wouldn't say for sure dates. Some of</p> <p>19 them like also had e-mail addresses, yes.</p> <p>20 Q. For the time period that you were the</p> <p>21 Inventory Control Manager, were there some</p> <p>22 warehousemen who had e-mail addresses?</p> <p>23 A. Yes.</p> <p>24 Q. Did checkers prepare paperwork?</p> <p>25 MR. THORELL: Objection.</p>
Page 70	Page 72
<p>1 Suarez</p> <p>2 received by Southern on a daily basis in 2009?</p> <p>3 MR. THORELL: Objection.</p> <p>4 MR. MANGAN: Objection.</p> <p>5 A. I wouldn't say a number for sure, but</p> <p>6 the records are there. I wouldn't attempt to put</p> <p>7 a number.</p> <p>8 Q. It is a lot?</p> <p>9 A. Yes.</p> <p>10 Q. Are trucks arriving and being unloaded</p> <p>11 all day long?</p> <p>12 A. Yes.</p> <p>13 Q. The checkers have time to do other jobs</p> <p>14 other than the job of a checker when those trucks</p> <p>15 were arriving?</p> <p>16 MR. THORELL: Objection.</p> <p>17 MR. MANGAN: Objection.</p> <p>18 A. I wouldn't know if they were. They have</p> <p>19 time for something else.</p> <p>20 Q. Are there individuals who specifically</p> <p>21 have the title of checker?</p> <p>22 MR. THORELL: Objection.</p> <p>23 MR. MANGAN: Objection.</p> <p>24 A. To the best of my knowledge, yes.</p> <p>25 Q. What are the names of the checkers that</p>	<p>1 Suarez</p> <p>2 A. Yes.</p> <p>3 Q. What skills were required of inventory</p> <p>4 control clerks?</p> <p>5 A. Computer skills. Lifting. I don't</p> <p>6 remember the exact amount of pounds. Ability of</p> <p>7 climbing and being comfortable with heights.</p> <p>8 Q. Was it important for inventory control</p> <p>9 clerks to get an accurate physical count of</p> <p>10 merchandise in the warehouse?</p> <p>11 A. Yes. Math skills, yes.</p> <p>12 Q. What kind of computer skills were</p> <p>13 required?</p> <p>14 A. I don't remember whether it was written</p> <p>15 down the requirements for the position exactly,</p> <p>16 but I would say that like Office, Excel, Word,</p> <p>17 Outlook.</p> <p>18 Q. Were there computers in the warehouse</p> <p>19 that the warehousemen used to send and receive</p> <p>20 e-mails?</p> <p>21 A. Yes.</p> <p>22 Q. What is the name of the computer</p> <p>23 inventory system that was used by Southern while</p> <p>24 you were the Inventory Control Manager?</p> <p>25 A. Sapphire.</p>

18 (Pages 69 to 72)

October 7, 2016

Page 73	Page 75
<p>1 Suarez</p> <p>2 Q. Is it fair to say you are extremely</p> <p>3 knowledgeable of Sapphire?</p> <p>4 A. I am knowledgeable in Sapphire, yes.</p> <p>5 Q. Did warehousemen use Sapphire as well?</p> <p>6 A. Yes.</p> <p>7 Q. Did inventory control clerks use</p> <p>8 Sapphire?</p> <p>9 A. Yes.</p> <p>10 Q. Did warehousemen use Excel spreadsheets?</p> <p>11 MR. THORELL: Objection.</p> <p>12 A. Yes.</p> <p>13 Q. Did warehousemen use Microsoft Word?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. I don't know.</p> <p>16 MR. MOSER: Off the record.</p> <p>17 (Whereupon, a break was taken off the</p> <p>18 record.)</p> <p>19 (Back on the record.)</p> <p>20 MR. MOSER: Welcome back.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 MR. MOSER: I am going to have some more</p> <p>23 questions for you. The same instructions I</p> <p>24 had for the first half of the day still</p> <p>25 apply. If you don't understand a question,</p>	<p>1 Suarez</p> <p>2 Q. Is college required for the position?</p> <p>3 A. Not required.</p> <p>4 Q. When we turn to the checker job, does</p> <p>5 the checker's position require the ability to</p> <p>6 count product?</p> <p>7 MR. MANGAN: Objection.</p> <p>8 A. I don't know their requirements.</p> <p>9 MR. MOSER: Mark this.</p> <p>10 (Plaintiff's Exhibit 26, Document Bates</p> <p>11 stamped 0053, marked for identification.)</p> <p>12 MR. MOSER: You are shown what is marked</p> <p>13 Exhibit 26 for identification. In the upper</p> <p>14 right hand corner, the Bates stamp is</p> <p>15 PL-0053.</p> <p>16 Q. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recognize this document?</p> <p>19 A. Yes.</p> <p>20 Q. What is this document?</p> <p>21 A. We were asked by -- I was asked by HR</p> <p>22 the requirements for the inventory check position.</p> <p>23 We were ready to hire more people other than</p> <p>24 Josie. At that time, it was only Josie. If I</p> <p>25 remember correctly, it was Josie who helped me</p>
Page 74	Page 76
<p>1 Suarez</p> <p>2 let me know and I will repeat or rephrase it.</p> <p>3 Don't answer it.</p> <p>4 Q. Okay?</p> <p>5 A. Yes.</p> <p>6 Q. Does the inventory control clerk's job</p> <p>7 require the ability to count product?</p> <p>8 A. Yes.</p> <p>9 Q. Does it require the ability to carry up</p> <p>10 to 45 pounds?</p> <p>11 MR. THORELL: Objection.</p> <p>12 A. I don't recall the exact amount of</p> <p>13 pounds. It sounds right, 45.</p> <p>14 Q. Does it require the ability to be</p> <p>15 comfortable with heights?</p> <p>16 A. Yes.</p> <p>17 Q. How about the physical ability to climb</p> <p>18 and maneuver around pallets?</p> <p>19 MR. THORELL: Objection.</p> <p>20 A. Yes.</p> <p>21 Q. Is warehouse experience preferred for</p> <p>22 the inventory control clerk job?</p> <p>23 MR. THORELL: Objection.</p> <p>24 MR. MANGAN: Objection.</p> <p>25 A. Yes.</p>	<p>1 Suarez</p> <p>2 write down these requirements.</p> <p>3 Q. Did you approve this document?</p> <p>4 A. Yes.</p> <p>5 Q. Was this the job description for the</p> <p>6 inventory control clerk position at time it was</p> <p>7 prepared?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. Did this job description remain the same</p> <p>11 from the time you prepared it until Josie left?</p> <p>12 MR. THORELL: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Where it says, "Summary of position</p> <p>15 responsibilities," is that a list of all of the</p> <p>16 material responsibilities of the inventory control</p> <p>17 clerk?</p> <p>18 MR. THORELL: Objection.</p> <p>19 A. No, sometimes we have special projects.</p> <p>20 Basically, the daily responsibilities. Yes.</p> <p>21 Q. What is a cycle count?</p> <p>22 A. Like you say matching physical inventory</p> <p>23 against inventory and books.</p> <p>24 Q. What is verifying counts and vintages?</p> <p>25 A. On a daily basis, we had questions from</p>

19 (Pages 73 to 76)

October 7, 2016

<p style="text-align: right;">Page 77</p> <p>1 Suarez</p> <p>2 the sales force and marketing. Confirmation of</p> <p>3 vintages. Current shipping vintage or sometimes</p> <p>4 the breakdown of certain product by vintages with</p> <p>5 counts.</p> <p>6 Q. Is it fair to say the sales force needed</p> <p>7 to know what product you had on hand to see if</p> <p>8 they can sell it to customers?</p> <p>9 A. Yes.</p> <p>10 Q. When you received those e-mails, was it</p> <p>11 the job of the inventory control clerks to go into</p> <p>12 the warehouse and verify that the physical product</p> <p>13 was located?</p> <p>14 MR. MANGAN: Objection.</p> <p>15 A. Yes.</p> <p>16 Q. What about "research and locate items?"</p> <p>17 What does that refer to?</p> <p>18 A. Many times product wasn't registered in</p> <p>19 a location. Somebody just forgot to write down or</p> <p>20 somebody just forgot to enter the location in the</p> <p>21 computer. We went and looked for the product.</p> <p>22 Locate the product. Locate it in the computer as</p> <p>23 well.</p> <p>24 Q. Did Josie have the authority to make any</p> <p>25 changes to inventory in the computer?</p>	<p style="text-align: right;">Page 79</p> <p>1 Suarez</p> <p>2 A. Scrubbing is the same as cycle counts.</p> <p>3 We do sections of areas of the warehouse at a</p> <p>4 time, location by location.</p> <p>5 Q. Do you scrub the warehouse on a regular</p> <p>6 basis?</p> <p>7 A. Yes.</p> <p>8 Q. Is that done on a daily basis?</p> <p>9 A. Yes.</p> <p>10 Q. Scrubbing requires the person doing the</p> <p>11 scrubbing to be physically in the warehouse?</p> <p>12 A. Yes.</p> <p>13 MR. THORELL: Objection.</p> <p>14 Q. Describe for me what is scrubbing.</p> <p>15 A. Verifying locations. We have the report</p> <p>16 showing the list of inventory items with</p> <p>17 locations. We go to that section of the warehouse</p> <p>18 and compare location by location and compare the</p> <p>19 physical product against the report.</p> <p>20 Q. If there was a difference between the</p> <p>21 physical inventory located at a location than what</p> <p>22 is on the printed report, what is the inventory</p> <p>23 control clerk supposed to do?</p> <p>24 A. Change the location in the system to</p> <p>25 make the system register the accurate location in</p>
<p style="text-align: right;">Page 78</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. To inventory, no.</p> <p>4 Q. Did you have the authority to make any</p> <p>5 changes to inventory in the computer?</p> <p>6 MR. THORELL: Objection.</p> <p>7 A. Changes to inventory, no.</p> <p>8 Q. What department had the authority to</p> <p>9 change inventory in the computer to match the</p> <p>10 physical inventory on hand?</p> <p>11 A. Accounting.</p> <p>12 Q. Where was accounting located?</p> <p>13 MR. THORELL: Objection.</p> <p>14 Q. What address?</p> <p>15 A. 313 Underhill.</p> <p>16 Q. Just so I understand, the members of the</p> <p>17 Inventory Control Team count product, but they</p> <p>18 could not change the inventory on the computer to</p> <p>19 match the physical inventory on hand?</p> <p>20 A. That is correct.</p> <p>21 Q. Do you consider Exhibit 26 to be an</p> <p>22 accurate job description?</p> <p>23 MR. THORELL: Objection.</p> <p>24 A. Yes.</p> <p>25 Q. What is scrubbing?</p>	<p style="text-align: right;">Page 80</p> <p>1 Suarez</p> <p>2 the system.</p> <p>3 Q. Can the inventory control clerk actually</p> <p>4 make the location change in the system?</p> <p>5 A. Yes.</p> <p>6 MR. MOSER: Let's assume for instance we</p> <p>7 are talking about wine, and at a particular</p> <p>8 location it says there are -- the computer</p> <p>9 says ten cases of wine. When the inventory</p> <p>10 control clerk gets to that location, they</p> <p>11 find five cases of wine.</p> <p>12 Q. What are they supposed to do?</p> <p>13 MR. THORELL: Objection.</p> <p>14 A. Here, it becomes -- this would become a</p> <p>15 cycle count. This person is supposed to tell me,</p> <p>16 for me to write an e-mail to accounting or</p> <p>17 themselves write an e-mail to accounting reporting</p> <p>18 the difference.</p> <p>19 MR. MOSER: Mark this.</p> <p>20 (Plaintiff's Exhibit 27, Document Bates</p> <p>21 stamped 1074, marked for identification.)</p> <p>22 MR. MOSER: I am going to show you what</p> <p>23 has been marked Exhibit 27 for identification</p> <p>24 and it has the Bates stamp PL-1074 on the</p> <p>25 right hand corner.</p>

20 (Pages 77 to 80)

October 7, 2016

<p style="text-align: right;">Page 81</p> <p>1 Suarez</p> <p>2 Q. Do you see that?</p> <p>3 (Whereupon, a document was handed to the</p> <p>4 witness.)</p> <p>5 A. Yes.</p> <p>6 Q. Did you prepare this document?</p> <p>7 A. Yes, with the help of HR.</p> <p>8 Q. Who from HR helped you prepare that</p> <p>9 document?</p> <p>10 A. If I remember correctly, Ena. She was</p> <p>11 my contact for all warehouse employees.</p> <p>12 Q. Is this used to advise an employee that</p> <p>13 they have violated a company policy.</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. Yes.</p> <p>16 Q. Was this issued to Josie for violating a</p> <p>17 company policy?</p> <p>18 A. Yes.</p> <p>19 Q. Other than receiving this particular</p> <p>20 employee documentation, did you ever issue any</p> <p>21 other employee documentation to Josie for</p> <p>22 violation of company policy?</p> <p>23 A. I don't remember ever doing so.</p> <p>24 MR. MOSER: Mark this.</p> <p>25 (Plaintiff's Exhibit 28, Document Bates</p>	<p style="text-align: right;">Page 83</p> <p>1 Suarez</p> <p>2 Q. What is the purpose of this report?</p> <p>3 MR. THORELL: Objection.</p> <p>4 Q. What is this document?</p> <p>5 A. This is a screen shot of inventory and</p> <p>6 locations at that moment in the warehouse.</p> <p>7 Q. Because the user is JSajous, would it</p> <p>8 mean Josie printed this out?</p> <p>9 A. Yes.</p> <p>10 Q. Did inventory control clerks print out</p> <p>11 these screen shots?</p> <p>12 A. Yes.</p> <p>13 Q. For what purpose?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. To go to the warehouse and do the</p> <p>16 physical verification.</p> <p>17 Q. Would this be preceded by instruction</p> <p>18 from you or by e-mail from someone asking them to</p> <p>19 go check the product?</p> <p>20 MR. THORELL: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. The location on the bottom, LOC,</p> <p>23 underneath that, 64821, what does that refer to?</p> <p>24 MR. THORELL: The handwriting.</p> <p>25 MR. MOSER: Yes.</p>
<p style="text-align: right;">Page 82</p> <p>1 Suarez</p> <p>2 stamped 1783, marked for identification.)</p> <p>3 MR. MOSER: I am now showing you what</p> <p>4 was marked Exhibit 28 for identification.</p> <p>5 The upper right hand corner has the number</p> <p>6 PL-1783.</p> <p>7 Q. Did you see that?</p> <p>8 (Whereupon, a document was handed to the</p> <p>9 witness.)</p> <p>10 A. Yes.</p> <p>11 MR. MOSER: On the upper left hand</p> <p>12 corner, there is a number that begins OE02.</p> <p>13 Q. Do you know what that refers to?</p> <p>14 A. That is the program that writes the name</p> <p>15 of the program for this specific screen.</p> <p>16 Q. Is this part of Sapphire?</p> <p>17 A. Yes.</p> <p>18 MR. MOSER: Below that, it has</p> <p>19 "JSajous".</p> <p>20 Q. What does that refer to?</p> <p>21 A. The user.</p> <p>22 MR. MOSER: In the upper right hand</p> <p>23 corner, 9/4 of 2013.</p> <p>24 Q. What does that refer to?</p> <p>25 A. When it was printed.</p>	<p style="text-align: right;">Page 84</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. It is the same as the warehouse</p> <p>4 location.</p> <p>5 Q. When we talk about warehouse location,</p> <p>6 is that basically like an address for a particular</p> <p>7 physical location in the warehouse?</p> <p>8 A. Yes.</p> <p>9 Q. Were there 64,000 locations?</p> <p>10 MR. THORELL: Objection.</p> <p>11 A. No.</p> <p>12 Q. Does this, in your opinion tell you</p> <p>13 where this the warehouse location is?</p> <p>14 A. Yes.</p> <p>15 Q. How can you tell from looking at the</p> <p>16 number where the location is?</p> <p>17 A. At that point from 57,000 to 69,000</p> <p>18 locations refers to cooler room, and the cage, and</p> <p>19 the lockup.</p> <p>20 Q. How did you know where these locations</p> <p>21 were? Was there a map or some type of guide that</p> <p>22 you used?</p> <p>23 MR. THORELL: Objection.</p> <p>24 MR. MANGAN: Objection.</p> <p>25 A. Yes, for the non-experienced people we</p>

21 (Pages 81 to 84)

October 7, 2016

<p style="text-align: right;">Page 85</p> <p>1 Suarez</p> <p>2 had a map, or when the auditors came, we showed</p> <p>3 them a map. For my people they just knew</p> <p>4 firsthand. They knew the warehouse locations.</p> <p>5 They have to.</p> <p>6 Q. When you look at the location can you</p> <p>7 tell whether that location is located physically</p> <p>8 on the floor or located higher up on the racks?</p> <p>9 A. Yes, the last digit for this location</p> <p>10 will refer to the floor level.</p> <p>11 Q. 64821 means on the ground?</p> <p>12 A. Yes.</p> <p>13 MR. MOSER: When we see the third</p> <p>14 handwritten number, LOC says "23015."</p> <p>15 Q. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. What does the 5 refer to?</p> <p>18 A. The fifth level.</p> <p>19 MR. THORELL: Objection. Are you the</p> <p>20 one who wrote the handwriting on this</p> <p>21 document?</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. MOSER:</p> <p>24 Q. Do you know whose handwriting this is?</p> <p>25 A. Josie's.</p>	<p style="text-align: right;">Page 87</p> <p>1 Suarez</p> <p>2 line on the first page, that is an e-mail you</p> <p>3 sent?</p> <p>4 A. Yes.</p> <p>5 Q. Who did you send that to?</p> <p>6 A. To the Inventory Control Team.</p> <p>7 Q. If you look at the last page, what is</p> <p>8 this page?</p> <p>9 MR. THORELL: Objection.</p> <p>10 A. Items with less than five cases in two</p> <p>11 different locations.</p> <p>12 Q. What were the inventory control clerks</p> <p>13 supposed to do according to your instructions?</p> <p>14 A. Go and check the locations and we need</p> <p>15 to move the product. Put it one location only.</p> <p>16 Q. Do you know how many cases were moved by</p> <p>17 members of the Inventory Control Department --</p> <p>18 were all of the products moved on the same day.</p> <p>19 MR. THORELL: Objection.</p> <p>20 A. I don't know if there was another e-mail</p> <p>21 following up this. Most of my tasks are given</p> <p>22 from me to them that were on the same day, yes.</p> <p>23 Q. If you look towards the bottom here do</p> <p>24 you see where it says from Josie Sajous, PL-1337?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 86</p> <p>1 Suarez</p> <p>2 Q. Would the 5 mean the fifth rack from the</p> <p>3 floor?</p> <p>4 A. Yes.</p> <p>5 Q. Would she have to use some type of</p> <p>6 equipment to get up that high?</p> <p>7 A. Not for this location.</p> <p>8 Q. How would she get up there for this</p> <p>9 particular location?</p> <p>10 A. 23015 is the bottle room.</p> <p>11 Q. She will be able to reach the shelf</p> <p>12 simply because it is five shelves up to the</p> <p>13 bottom?</p> <p>14 A. Yes.</p> <p>15 MR. MOSER: Mark this.</p> <p>16 (Plaintiff's Exhibit 29, Document Bates</p> <p>17 stamped 1337 through 1339, marked for</p> <p>18 identification.)</p> <p>19 Q. Just for the record, do you see this</p> <p>20 document has the number PL-1337 in the upper right</p> <p>21 hand corner?</p> <p>22 A. Yes.</p> <p>23 Q. The last page is PL-1339?</p> <p>24 A. Yes.</p> <p>25 Q. If you look below the third horizontal</p>	<p style="text-align: right;">Page 88</p> <p>1 Suarez</p> <p>2 Q. Was that e-mail from Josie to you?</p> <p>3 MR. THORELL: Objection.</p> <p>4 A. Yes, that means everything was done.</p> <p>5 Q. She was referring to locations 69442 to</p> <p>6 85020?</p> <p>7 MR. THORELL: Objection.</p> <p>8 A. Yes.</p> <p>9 Q. Do you know how many cases Josie moved</p> <p>10 pursuant to your instructions?</p> <p>11 MR. THORELL: Objection.</p> <p>12 A. We wouldn't know by this report. I</p> <p>13 wouldn't know how many cases were in this location</p> <p>14 and how many cases were in the other location.</p> <p>15 Common sense dictates you move things. Fewer</p> <p>16 inventory. I wouldn't know by this report.</p> <p>17 Q. In addition to moving up to five cases</p> <p>18 per location, were inventory control clerks</p> <p>19 required to shift or move cases when examining</p> <p>20 palletes to get an accurate count of what was in</p> <p>21 the palette?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. Yes, many times.</p> <p>24 Q. Was that considered part of the moving</p> <p>25 up to five cases?</p>

22 (Pages 85 to 88)

October 7, 2016

<p style="text-align: right;">Page 89</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. I wouldn't say that.</p> <p>4 Q. They were allowed to move up to five</p> <p>5 cases per location, and in addition, they were</p> <p>6 required to move or shift cases to determine an</p> <p>7 accurate count of the palette?</p> <p>8 A. Yes.</p> <p>9 MR. MANGAN: Objection.</p> <p>10 Q. Do you know what was the most number of</p> <p>11 cases that Josie ever lifted in a day?</p> <p>12 MR. MANGAN: Objection.</p> <p>13 A. No, I wouldn't know.</p> <p>14 Q. Could it be more than a hundred?</p> <p>15 MR. MANGAN: Objection.</p> <p>16 MR. THORELL: Objection.</p> <p>17 A. I wouldn't know the number for sure.</p> <p>18 She was the person who helped the most on special</p> <p>19 projects. So maybe one day she had done that. I</p> <p>20 don't know for sure, if she ever did it.</p> <p>21 MR. MOSER: Mark this.</p> <p>22 (Plaintiff's Exhibit 30, Document Bates</p> <p>23 stamped 1785, marked for identification.)</p> <p>24 MR. MOSER: Take a look at what has been</p> <p>25 marked Exhibit 30 for identification.</p>	<p style="text-align: right;">Page 91</p> <p>1 Suarez</p> <p>2 configuration of the palettes equal.</p> <p>3 Q. Have you ever watched a checker count</p> <p>4 product for an incoming shipment?</p> <p>5 A. Yes.</p> <p>6 Q. Describe for me how that was done.</p> <p>7 A. The machine pulled the palettes from the</p> <p>8 truck, placed on the receiving dock and the</p> <p>9 checker goes to the receiving office, gets the</p> <p>10 paperwork, gets the labels, comes back, and checks</p> <p>11 the product.</p> <p>12 Q. When the product needs to be moved or</p> <p>13 shifted, who does that work?</p> <p>14 MR. MANGAN: Objection.</p> <p>15 A. I wouldn't know. That happens all the</p> <p>16 time or one time what I seen is that always a</p> <p>17 person with a machine moving the palettes, the</p> <p>18 checker is standing and counting with the papers</p> <p>19 and looking at the product, and if they need to</p> <p>20 reconfigure one palette, another person will shift</p> <p>21 the cases or work the entire palette all together</p> <p>22 in order for the checker to count.</p> <p>23 Q. Is that person a lumberer?</p> <p>24 A. Yes.</p> <p>25 Q. Do you think, based upon your</p>
<p style="text-align: right;">Page 90</p> <p>1 Suarez</p> <p>2 (Whereupon, a document was handed to the</p> <p>3 witness.)</p> <p>4 Q. Do you know what this form is?</p> <p>5 A. Yes.</p> <p>6 Q. What is this form?</p> <p>7 A. Blind receiver.</p> <p>8 Q. What is a blind receiver?</p> <p>9 A. That is the documentation printed in the</p> <p>10 receiving office and given to the checkers to</p> <p>11 receive the loads.</p> <p>12 Q. What is the job of the checker with</p> <p>13 regard to completion of this form?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. Compare the description against the</p> <p>16 product physically in front of them and record the</p> <p>17 count.</p> <p>18 Q. Do you recognize any signature on this</p> <p>19 document?</p> <p>20 A. Yes, Tatiana's signature.</p> <p>21 Q. Do you know what a lumber is?</p> <p>22 A. Yes.</p> <p>23 Q. What is a lumber?</p> <p>24 A. Day shift. Move the cases for the</p> <p>25 checkers in order to count to make the</p>	<p style="text-align: right;">Page 92</p> <p>1 Suarez</p> <p>2 observation, the physical demands on the checker</p> <p>3 are more than the physical demands on the</p> <p>4 inventory control clerk?</p> <p>5 MR. THORELL: Objection.</p> <p>6 MR. MANGAN: Objection.</p> <p>7 A. I wouldn't. All the time, or every</p> <p>8 time, or all the checkers work the same. What I</p> <p>9 have seen, no. The checkers don't move that much</p> <p>10 product. They do have to move on a daily basis.</p> <p>11 Q. Did Ronnie ever get involved in what</p> <p>12 members of the Inventory Control Team could not</p> <p>13 do -- withdrawn.</p> <p>14 MR. THORELL: Objection.</p> <p>15 MR. MOSER: Mark this.</p> <p>16 (Plaintiff's Exhibit 31, Document Bates</p> <p>17 stamped 0051, marked for identification.)</p> <p>18 MR. MOSER: This has been marked in the</p> <p>19 upper right hand corner as PL-0051.</p> <p>20 Q. Do you see that?</p> <p>21 (Whereupon, a document was handed to the</p> <p>22 witness.)</p> <p>23 A. Yes.</p> <p>24 Q. What is this document?</p> <p>25 A. It looks like an e-mail from Jennifer to</p>

23 (Pages 89 to 92)

October 7, 2016

Page 93	Page 95
<p>1 Suarez</p> <p>2 me, then I replied to her.</p> <p>3 Q. Does Jennifer answer to Ronnie?</p> <p>4 MR. THORELL: Objection.</p> <p>5 A. No, she is the administrative assistant</p> <p>6 to John Wilkinson.</p> <p>7 Q. Does Jennifer report to Ronnie?</p> <p>8 A. No.</p> <p>9 MR. THORELL: Objection.</p> <p>10 Q. If we look at the original message on</p> <p>11 the bottom, was that from Jennifer to you?</p> <p>12 A. Yes.</p> <p>13 Q. September 24th of 2009?</p> <p>14 A. Per this document, yes.</p> <p>15 MR. MOSER: It says here, "As per</p> <p>16 Ronnie, the lunch hour is not to be used</p> <p>17 towards the guaranteed overtime."</p> <p>18 Q. Did Ronnie have the authority to</p> <p>19 determine how your employees lunch hour would be</p> <p>20 spent?</p> <p>21 MR. THORELL: Objection.</p> <p>22 MR. MANGAN: Objection.</p> <p>23 A. I don't know how to respond to that</p> <p>24 question. My boss is John Wilkinson. Ronnie has</p> <p>25 a lot to say about everybody. Work hours and</p>	<p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. Instructions from Jerry Dansy (phonetic)</p> <p>4 to me.</p> <p>5 Q. Who was Jerry Dansy?</p> <p>6 A. My co-worker. His warehouse manager.</p> <p>7 Q. Is he a Union or non-Union employee?</p> <p>8 A. Non-Union employee.</p> <p>9 Q. It says, "from Jerry." Was that an</p> <p>10 e-mail Jerry sent to you?</p> <p>11 A. Yes.</p> <p>12 MR. THORELL: Objection.</p> <p>13 Q. Did Ronnie have the authority to</p> <p>14 determine whether or not the members of the</p> <p>15 Inventory Control Team counted during inventory?</p> <p>16 MR. THORELL: Objection.</p> <p>17 MR. MANGAN: Objection.</p> <p>18 A. I wouldn't know how to respond to that</p> <p>19 question. I receive my orders from my boss. If</p> <p>20 he is copied, I take it that he agrees.</p> <p>21 MR. MOSER: Mark this.</p> <p>22 (Plaintiff's Exhibit 33, Document Bates</p> <p>23 stamped 0054, marked for identification.)</p> <p>24 Q. Do you recognize this document -- is it</p> <p>25 fair to say the upper right hand corner there is</p>
Page 94	Page 96
<p>1 Suarez</p> <p>2 everything. I guess because he is the shop</p> <p>3 steward.</p> <p>4 Q. Is it fair to say when you received this</p> <p>5 message, you took it not as a direction from</p> <p>6 Ronnie, but as a direction from John Wilkinson</p> <p>7 that you should follow?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. I would say yes, because he is copied on</p> <p>10 the e-mail.</p> <p>11 Q. Do you know if John Wilkinson took his</p> <p>12 direction from Ronnie?</p> <p>13 MR. THORELL: Objection.</p> <p>14 A. I don't know.</p> <p>15 MR. MOSER: Mark this.</p> <p>16 (Plaintiff's Exhibit 32, Document Bates</p> <p>17 stamped 1687, marked for identification.)</p> <p>18 MR. MOSER: We are looking at what has</p> <p>19 been marked Exhibit 32. The upper right hand</p> <p>20 corner is PL-1687.</p> <p>21 (Whereupon, a document was handed to the</p> <p>22 witness.)</p> <p>23 Q. Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. What is this document?</p>	<p>1 Suarez</p> <p>2 the number PL-0054?</p> <p>3 (Whereupon, a document was handed to the</p> <p>4 witness.)</p> <p>5 MR. THORELL: Objection.</p> <p>6 A. Yes.</p> <p>7 Q. Do you recognize this document?</p> <p>8 A. Yes.</p> <p>9 Q. What is this document?</p> <p>10 A. She is asking for all our job</p> <p>11 descriptions.</p> <p>12 Q. She is Jennifer Moore?</p> <p>13 A. Yes.</p> <p>14 Q. Who is Jennifer?</p> <p>15 A. The administrative assistant to John</p> <p>16 Wilkinson.</p> <p>17 Q. The warehouse director?</p> <p>18 A. Yes.</p> <p>19 Q. Are there any checkers who received this</p> <p>20 e-mail?</p> <p>21 MR. THORELL: Objection.</p> <p>22 A. I don't see any warehouse workers here.</p> <p>23 Q. Did any warehousemen receive this</p> <p>24 e-mail?</p> <p>25 MR. THORELL: Objection.</p>

24 (Pages 93 to 96)

October 7, 2016

<p style="text-align: right;">Page 97</p> <p>1 Suarez</p> <p>2 A. I don't recognize any warehousemen here.</p> <p>3 No, all of these are warehouse workers but not</p> <p>4 warehouse Union men.</p> <p>5 MR. MOSER: Nothing further about that</p> <p>6 particular document.</p> <p>7 Q. At some point, did Southern attempt to</p> <p>8 modernize its inventory by using RF scanners?</p> <p>9 A. Yes.</p> <p>10 Q. When was that?</p> <p>11 A. If I remember correctly we started using</p> <p>12 RF counts in 2010, but I could be mistaken.</p> <p>13 Q. What is an RF ID?</p> <p>14 A. A user ID to log into the RF scanner.</p> <p>15 Q. Do you have to be issued an RF ID in</p> <p>16 order to be able to use the RF scanner gun?</p> <p>17 A. Yes.</p> <p>18 Q. Were warehousemen issued RF IDs?</p> <p>19 MR. THORELL: Objection.</p> <p>20 A. Yes.</p> <p>21 Q. Did you issue the RF IDs to</p> <p>22 warehousemen?</p> <p>23 A. I sent the list of all RF users to IT.</p> <p>24 Q. Other than warehousemen, was anyone else</p> <p>25 issued an RF ID?</p>	<p style="text-align: right;">Page 99</p> <p>1 Suarez</p> <p>2 A. I wouldn't know for sure. I had the</p> <p>3 computer accident at that time. Like I had a</p> <p>4 computer accident last week.</p> <p>5 MR. MOSER: The unfortunate computer</p> <p>6 accidents. They happen less now than they</p> <p>7 did in the past thankfully.</p> <p>8 Q. Is there a policy that e-mails are</p> <p>9 automatically deleted after six months?</p> <p>10 A. Yes, now I think they expanded that to</p> <p>11 nine months, but I am not sure. At that point,</p> <p>12 six months.</p> <p>13 Q. Do you have any e-mails from 2013?</p> <p>14 A. No.</p> <p>15 Q. Do you know whether anyone saved your</p> <p>16 e-mails from 2013?</p> <p>17 A. They are supposed to be saved in the</p> <p>18 server.</p> <p>19 Q. When they are deleted, they are only</p> <p>20 deleted on your computer?</p> <p>21 A. Yes.</p> <p>22 Q. Did you search for any documents with</p> <p>23 regard to this case?</p> <p>24 MR. THORELL: Objection.</p> <p>25 A. I don't believe so. I don't remember.</p>
<p style="text-align: right;">Page 98</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. Yes, inventory control clerks.</p> <p>4 Q. Is it fair to say that the RF gun as you</p> <p>5 call it can only be used in the warehouse?</p> <p>6 A. Yes.</p> <p>7 MR. THORELL: Objection.</p> <p>8 MR. MOSER: I am going to draw your</p> <p>9 attention to 2013.</p> <p>10 Q. When did you find out that Josie first</p> <p>11 filed a complaint?</p> <p>12 A. I think I received notification from HR</p> <p>13 that I need to attend the interview with</p> <p>14 Ms. Selena.</p> <p>15 Q. Ms. Seabrooks?</p> <p>16 A. Yes.</p> <p>17 Q. That was before Josie resigned; right?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever get an e-mail or</p> <p>20 notification that told you to preserve any e-mails</p> <p>21 or documents?</p> <p>22 A. No.</p> <p>23 Q. Do you know whether there were any</p> <p>24 e-mails on your computer at the time you learned</p> <p>25 of the complaint that have been deleted?</p>	<p style="text-align: right;">Page 100</p> <p>1 Suarez</p> <p>2 Q. Did anyone ask you to search for</p> <p>3 documents regarding this case?</p> <p>4 A. Nobody spoke to me about this case.</p> <p>5 Only Keith.</p> <p>6 Q. Did you, in fact, search for any</p> <p>7 documents concerning this case?</p> <p>8 A. I don't remember doing so, no.</p> <p>9 MR. MOSER: Nothing further to the</p> <p>10 extent Mr. Mangan has any questions. I</p> <p>11 reserve my right to reopen.</p> <p>12 MR. MANGAN: No questions.</p> <p>13 MR. MOSER: Then, I am going to close</p> <p>14 with a couple of more. Let's take a break.</p> <p>15 (Whereupon, a break was taken off the</p> <p>16 record.)</p> <p>17 (Back on the record.)</p> <p>18 Q. If a checker made a mistake when he was</p> <p>19 counting a particular incoming shipment, what</p> <p>20 would be the consequence to inventory?</p> <p>21 MR. THORELL: Objection.</p> <p>22 MR. MANGAN: Objection.</p> <p>23 A. Inventory becomes not accurate.</p> <p>24 Q. If an inventory control clerk went to a</p> <p>25 particular location and incorrectly counted the</p>


25 (Pages 97 to 100)

October 7, 2016

<p style="text-align: right;">Page 101</p> <p>1 Suarez</p> <p>2 inventory that was at that particular location,</p> <p>3 what would be the consequences for inventory?</p> <p>4 A. The same inventory would become not</p> <p>5 accurate.</p> <p>6 Q. Was the purpose of the checker to verify</p> <p>7 inventory?</p> <p>8 MR. THORELL: Objection.</p> <p>9 A. Upcoming inventory.</p> <p>10 MR. THORELL: Objection.</p> <p>11 Q. Was the purpose of the inventory control</p> <p>12 clerks to verify inventory that had already been</p> <p>13 received in Southern Wine and Spirits?</p> <p>14 MR. THORELL: Objection.</p> <p>15 A. Yes.</p> <p>16 Q. Do you have an opinion as to which job</p> <p>17 had more responsibility associated with the job of</p> <p>18 checker or inventory control clerk?</p> <p>19 MR. THORELL: Objection.</p> <p>20 MR. MANGAN: Objection.</p> <p>21 A. Not really. I never thought about who</p> <p>22 has more responsibility.</p> <p>23 Q. Is it fair to say if either one did not</p> <p>24 perform their job correctly, the consequence would</p> <p>25 be the same? Inaccurate inventory.</p>	<p style="text-align: right;">Page 103</p> <p>1 Suarez</p> <p>2 Q. What does she do?</p> <p>3 A. She is administrative assistant at an</p> <p>4 attorney's office.</p> <p>5 Q. It is not my office?</p> <p>6 A. No.</p> <p>7 MR. MOSER: I just want to thank you for</p> <p>8 taking time and showing up here today. I</p> <p>9 know it is never an east situation when you</p> <p>10 are called upon to testify under oath in a</p> <p>11 case against your employer. I appreciate</p> <p>12 your effort and time. Thank you.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 THE REPORTER: Who would like a copy of</p> <p>15 the transcript?</p> <p>16 MR. MOSER: I would.</p> <p>17 MR. THORELL: I would.</p> <p>18 MR. MANGAN: I would.</p> <p>19</p> <p>20 (Time noted: 1:34 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 102</p> <p>1 Suarez</p> <p>2 MR. THORELL: Objection.</p> <p>3 A. Yes.</p> <p>4 MR. MOSER: I didn't ask these questions</p> <p>5 earlier on. I will ask them now.</p> <p>6 Q. What is your highest level of education?</p> <p>7 A. I have a Bachelor's Degree in Economics.</p> <p>8 Q. Where do you live? I don't need the</p> <p>9 specific address.</p> <p>10 A. On Long Island.</p> <p>11 Q. Do you know how many members are in your</p> <p>12 household?</p> <p>13 A. This time, five.</p> <p>14 Q. Who are they?</p> <p>15 A. My sister, my two nieces, my grand niece</p> <p>16 and I.</p> <p>17 Q. Do the members of your immediate</p> <p>18 household financially depend on you?</p> <p>19 A. Yes.</p> <p>20 Q. Does any other member of your immediate</p> <p>21 household have a full-time job?</p> <p>22 MR. THORELL: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. Who is that?</p> <p>25 A. One niece.</p>	<p style="text-align: right;">Page 104</p> <p>1</p> <p>2 A C K N O W L E D G M E N T</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5 :ss</p> <p>6 COUNTY OF _____)</p> <p>7</p> <p>8 I, MARIA SUAREZ, hereby certify that I</p> <p>9 have read the transcript of my testimony taken</p> <p>10 under oath in my deposition of October 7, 2016</p> <p>11 that the transcript is a true, complete and</p> <p>12 correct record of my testimony, and that the</p> <p>13 answers on the record as given by me are true and</p> <p>14 correct.</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 MARIA SUAREZ</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Signed and subscribed to before</p> <p>24 me, this day</p> <p>25 of , 2016.</p> <p>_____ Notary Public, State of New York</p>

26 (Pages 101 to 104)

October 7, 2016

Page 105	
1	INDEX 105
2	Examination by Witness Name Page
3	EXAMINATION BY----- MARIA SUAREZ----- 4
4	MR. MOSER
5	EXHIBITS MARKED FOR IDENTIFICATION
6	No. Description Page
7	23 Document Bates stamped 225 through 229----- 36
8	24 Document Bates stamped 850 and 851----- 52
9	25 Document Bates stamped 1619 through 1632----- 60
10	26 Document Bates stamped 0053----- 75
11	27 Document Bates stamped 1074----- 80
12	28 Document Bates stamped 1783----- 81
13	29 Document Bates stamped 1337 through 1339----- 86
14	30 Document Bates stamped 1785----- 89
15	31 Document Bates stamped 0051----- 92
16	32 Document Bates stamped 1687----- 94
17	33 Document Bates stamped 0054----- 95
18	
19	INFORMATION/DOCUMENTATION REQUESTED
20	Page Line
21	NONE-----
22	QUESTIONS/ANSWERS MARKED IN THE TRANSCRIPT
23	Page Line
24	NONE-----
25	
Page 106	
1	
2	
3	CERTIFICATE
4	STATE OF NEW YORK)
5) ss.:
6	COUNTY OF SUFFOLK)
7	
8	I, ROBERT S. BARLETTA, a Notary
9	Public within and for the State of New York, do
10	hereby certify:
11	That MARIA SUAREZ, the witness whose
12	deposition is hereinbefore set forth, was duly
13	sworn by me and that such deposition is a true
14	record of the testimony given by such witness.
15	I further certify that I am not
16	related to any of the parties to this action by
17	blood or marriage; and that I am in no way
18	interested in the outcome of this matter.
19	IN WITNESS WHEREOF, I have hereunto
20	set my hand this 7th day of October, 2016.
21	
22	
23	
24	ROBERT S. BARLETTA
25	

27 (Pages 105 to 106)

October 7, 2016

Page 107

A	Administrator	approve 52:13	78:4,8 93:18	81:25 86:16
ability 72:6	7:8,12	76:3	95:13	89:22 92:16
74:7,9,14,17	admins 20:3,4	approved	authorized	94:16 95:22
75:5	21:23 22:2	53:12	2:19	105:7,8,9,10
able 86:11	28:25	approximately	automatically	105:11,12,13
97:16	advise 81:12	26:19	99:9	105:14,15,16
accept 59:5	agencies 63:24	April 11:25	available 44:23	105:17
access 54:16,18	64:23,25	12:2,5,13	Avenue 1:15	began 14:19
54:19,24 55:3	65:20	area 39:19	3:19 4:12	60:24
55:6,7	agency 64:19	areas 79:3	average 23:13	beginning 41:7
accident 99:3,4	65:5	argued 51:18	23:14 27:5	55:8 59:24
accidents 99:6	ago 5:14 39:3	arrives 69:5,19	44:7	begins 82:12
Accountemps	agreed 2:6,12	arriving 70:10	aware 16:12,15	behalf 1:6
65:3,9,11,15	2:17 52:8	70:15	16:16	believe 38:23
accounting	62:8	asked 44:23	a.m 1:17	42:2 56:12
67:13 78:11	agrees 95:20	46:2 51:12		59:7 61:4,16
78:12 80:16	allowed 17:14	57:22 58:4	B	68:16 99:25
80:17	17:16,19,22	59:8 75:21,21	Bachelor's	believed 35:23
accounts 42:12	20:25 21:5	asking 6:8	102:7	51:14 61:23
accuracy 38:11	31:19 89:4	62:16,17,18	back 19:22	62:3
accurate 38:18	allowing 51:16	63:25 83:18	31:23,25	best 8:22 39:3
38:21 39:3	amount 69:3	96:10	33:11 36:5,6	45:23 53:9
72:9 78:22	72:6 74:12	assistant 93:5	36:20 40:25	63:20,20
79:25 88:20	Andy 71:4	96:15 103:3	41:2,21 42:11	70:24
89:7 100:23	and/or 34:2	associated	48:8 52:7	Bill 21:19
101:5	Angeles 3:13	101:17	68:5,6 73:19	68:20
achieve 51:15	answer 5:7,19	assume 80:6	73:20 91:10	bit 42:4 51:7
action 106:16	9:9 14:4 74:3	assuming 41:6	100:17	black 64:10
activities 57:11	93:3	as-needed 21:6	Barletta 1:21	blame 58:21
actual 66:10	answers 104:12	attach 26:8,12	106:8,24	59:4
68:21	anybody 67:23	attached 26:6	based 19:10,11	blind 90:7,8
addition 88:17	68:7	35:15	91:25	blood 106:17
89:5	anymore 8:6	attempt 70:6	basic 17:25	Blvd 3:12
additional 15:4	59:17	97:7	18:5	Bob 21:21
17:21	application	attempted	basically 19:11	books 66:7
address 4:10	65:14	51:15	66:6 76:20	76:23
12:10 78:14	applied 9:20,24	attend 98:13	84:6	boots 51:19
84:6 102:9	10:4,10	attention 39:5	basis 21:6 23:8	boss 8:15,16
addresses	apply 9:21	52:22 60:18	56:21 69:17	9:11 31:16
71:12,15,19	28:20,24	98:9	70:2 76:25	49:2 53:6
71:22	73:25	attorneys 2:6	79:6,8 92:10	93:24 95:19
administer	Applying 48:7	3:4,10,17	Bates 36:23	bother 5:3
2:19	appreciate	attorney's	39:6 52:19,23	bottle 86:10
administrative	103:11	103:4	55:23 60:11	bottles 34:9
93:5 96:15	approached	auditors 85:2	75:10,14	bottom 39:8,14
103:3	56:5	authority 77:24	80:20,24	52:25 60:22

October 7, 2016

Page 108

60:23 83:22 86:13 87:23 93:11 Boulevard 12:11,13 break 36:18 73:17 100:14 100:15 breakdown 77:4 brief 11:10 bringing 25:23 broad 18:8 brought 6:9 building 12:17 12:18,19 13:10 49:12 bungee 26:11 35:16	88:25 89:5,6 89:11 90:24 91:21 casual 29:14 categories 20:12,18 certain 69:3 77:4 certification 2:8 certify 104:7 106:10,15 change 7:19,19 8:4,21 10:24 41:11 42:5 66:24 78:9,18 79:24 80:4 changed 6:13 7:14,16,21,25 8:2 31:2,6 33:19 42:3,4 46:20 changes 77:25 78:5,7 charge 8:5 check 75:22 83:19 87:14 checker 66:23 66:24 68:10 68:17 69:18 70:14,21 71:8 75:4 90:12 91:3,9,18,22 92:2 100:18 101:6,18 checkers 68:12 70:13,25 71:6 71:24 90:10 90:25 92:8,9 96:19 checker's 69:11 75:5 checks 91:10 cherry 17:23 20:25 21:10 21:14,24	22:16,22 23:5 23:25 24:7,9 24:14 35:15 chose 63:10 City 1:15 clarify 12:24 classification 19:16,25 20:7 20:15,20 35:25 39:24 40:3,7,9,12 45:19,21 46:6 46:12,18 57:18,19 58:15 61:17 classifications 18:2,8 classified 10:14 10:19 18:15 18:22 19:6 22:21 48:23 52:10 59:9 61:24 62:4,12 62:20 classify 57:23 clear 33:24 clearly 56:11 clerical 10:19 18:9,16 22:22 23:3 57:19,23 59:20 clerk 60:25 65:22 66:5,23 67:3,8,11,14 67:20,24 68:3 74:22 76:6,17 79:23 80:3,10 92:4 100:24 101:18 clerks 10:25 19:6 20:5,11 20:17 22:10 22:11,15,16 31:19 33:6 35:6 54:8 65:25 72:4,9	73:7 77:11 83:10 87:12 88:18 98:3 101:12 clerk's 74:6 climb 74:17 climbing 35:9 35:13 72:7 close 42:7 100:13 closed 42:18,21 43:15,17 clothing 29:14 code 28:14,15 28:17,18,19 28:20,24 collared 28:12 college 75:2 come 9:18 29:6 29:8,10,13 42:11 48:25 57:7,10 comes 25:8 91:10 comfortable 72:7 74:15 coming 25:22 comment 39:23 commented 50:23 Commercial 6:11,25 Commission 60:22 common 29:16 88:15 company 11:20 11:22 12:3 25:8 28:17 29:23 45:5 58:21 68:22 81:13,17,22 compare 68:19 79:18,18 90:15 Comparing	66:6 complained 62:10,19 complaint 36:10 98:11 98:25 complete 104:10 completion 90:13 computer 66:20 72:5,12 72:22 77:21 77:22,25 78:5 78:9,18 80:8 98:24 99:3,4 99:5,20 computers 72:18 concern 56:6 concerning 100:7 conditions 51:6 conference 17:6 37:22 confidential 44:18 configuration 91:2 Confirmation 77:2 consequence 100:20 101:24 consequences 101:3 consider 78:21 considered 35:19,24 50:25 51:3,13 88:24 contact 81:11 contents 38:18 38:21 context 59:19 continuously
C C 3:2 104:2 106:3,3 case 84:18 California 3:13 call 98:5 called 4:2 45:8 63:24 66:22 103:10 Carlos 9:5,6,12 9:16 carry 74:9 case 5:3 44:24 45:2 99:23 100:3,4,7 103:11 cases 30:19,23 31:3,3,4,6,9 31:10,19 33:7 33:7,16,20,23 33:25 34:2,3 34:10,11,13 34:15,19 35:2 80:9,11 87:10 87:16 88:9,13 88:14,17,19				

October 7, 2016

Page 109

12:12	corner 39:7	41:14	71:16	2:9,17 4:25
contract 18:3	52:24 60:19	current 55:9	decided 57:16	6:5,19 44:24
control 8:7,13	75:14 80:25	77:3	decision 57:23	104:9 106:12
9:3 10:13,25	82:5,12,23	customer 48:19	58:4	106:13
13:17,19,25	86:21 92:19	customers 77:8	decreased	describe 13:8
15:5,8,13,17	94:20 95:25	cycle 66:6	51:25	30:7 39:10,25
18:15,21 19:5	correct 4:14	76:21 79:2	Defendants	65:21 66:4
19:14 20:5	10:18 15:10	80:15	1:12 3:10,17	68:17 79:14
22:21 23:4	16:22 21:2		Degree 102:7	91:6
25:17 26:15	23:18 33:16	D	Delarosa 9:5,7	described
28:21 29:4	33:20 34:2	D 104:2 105:1	9:12,16	30:11
30:2,18 31:18	59:21 61:9	daily 56:21	deleted 98:25	description
32:5,21,25	69:5 78:20	57:11 70:2	99:9,19,20	76:5,10 78:22
33:5 35:6	104:11,13	76:20,25 79:8	demands 92:2	90:15 105:5
41:17 44:9	corrections	92:10	92:3	descriptions
45:12 47:13	38:15	Dansy 95:3,5	denied 51:16	96:11
47:22 53:16	correctly 8:10	data 66:16	denying 61:17	desk 42:24 43:3
54:8 57:2	10:2 75:25	date 37:12,16	department	43:5,7,8,19
60:25 65:22	81:10 97:11	dates 16:3,9	12:7 15:5,8	desks 43:22
65:24 66:5	101:24	19:2 36:3	15:13,18	details 27:19
69:16 71:21	count 24:4 35:6	52:6 56:11	16:13 18:6,15	65:19
72:4,8,24	35:8 68:22	60:8 71:18	18:22 19:14	determine 89:6
73:7 74:6,22	72:9 74:7	Dave 50:9,10	20:24 22:21	93:19 95:14
76:6,16 77:11	75:6 76:21	50:17	23:4,17 24:25	determined
78:17 79:23	78:17 80:15	David 50:11	25:17,24	10:11
80:3,10 83:10	88:20 89:7	day 23:13,15	26:15 28:11	dictates 88:15
87:6,12,17	90:17,25 91:3	23:16 33:23	28:21 29:5	difference
88:18 92:4,12	91:22	34:16,20 35:2	30:2,19 40:16	79:20 80:18
95:15 98:3	counted 95:15	40:18,19	44:10 45:13	different 33:6
100:24	100:25	41:13,22,25	48:14,23	64:22,24
101:11,18	counting 91:18	51:24 52:2	49:22 51:12	66:25 87:11
conversation	100:19	54:7 67:12,15	51:17,22 52:9	digit 85:9
5:5 11:7	counts 42:10	67:25 68:4	52:14 53:11	direct 14:21
16:18 17:3,5	66:6 76:24	70:11 73:24	53:16,19,23	direction 94:5
17:9,24 18:12	77:5 79:2	87:18,22	54:3,6 55:19	94:6,12
19:3 36:3,4,6	97:12	89:11,19	56:6,9 57:8	director 11:12
46:10 52:4	COUNTY	90:24 104:23	57:12,17	17:2 21:17
53:11	104:5 106:6	106:20	58:14 59:19	96:17
conversations	couple 4:23	days 54:5	60:3 61:8,24	dirty 29:16
17:11 46:9	25:15 37:6	deal 65:20	62:4,11,19	disagree 62:2
48:21 60:2	50:8 100:14	December 6:14	67:13 69:16	68:25
cooler 84:18	court 1:2 2:21	11:18 14:12	78:8 87:17	discuss 18:20
copied 94:9	5:8,15	14:13 15:18	departments	discussion
95:20	Cove 3:6	56:7,21,25	54:4	18:14 46:4
copy 103:14	co-worker 95:6	57:13 60:3	depend 102:18	distance 35:10
cord 35:16	cubicles 41:9	61:7 68:13	deposition 1:19	35:14

October 7, 2016

Page 110

Distillery 1:11 3:18	50:13	eligible 45:8 58:15	30:3,6 86:6	87:2,20 88:2
DISTRICT 1:2 1:3	draw 39:4 52:22 60:17 98:8	employed 7:5 11:16,19,24 12:2,12	ESQ 3:7,14,21 essence 66:18 everybody 25:21 54:2,23 93:25	92:25 94:10 95:10 96:20 96:24 98:19
division 53:20 53:21,24 54:6	dress 28:14,15 28:17,18,18 28:20,24	employee 14:24 14:24 15:23 23:3 26:3 30:8,10,12 47:9 81:12,20 81:21 95:7,8	exact 16:9 37:12 72:6 74:12	e-mails 42:12 50:8 72:20 77:10 98:20 98:24 99:8,13 99:16
dock 91:8	drive 17:12,14 51:5	employees 8:11 10:14,15,20 13:24 16:5 18:9,10,17,23 19:7 22:21 46:14,17 51:18,23 52:10,15 54:7 55:4 58:6,9 61:11 62:5 81:11 93:19	exactly 72:15 Examination 4:7 105:2,3 examined 4:4 examining 88:19 Excel 72:16 73:10 exclusively 60:4 Exhibit 36:22 36:23,25 37:2 52:19 55:23 60:11 75:10 75:13 78:21 80:20,23 81:25 82:4 86:16 89:22 89:25 92:16 94:16,19 95:22	e-mails 42:12 50:8 72:20 77:10 98:20 98:24 99:8,13 99:16
document 36:23 37:3,7 37:11,17,21 38:3,10,15,20 38:24 39:6 52:19,23 60:11,14 75:10,18,20 76:3 80:20 81:3,6,9,25 82:8 83:4 85:21 86:16 86:20 89:22 90:2,19 92:16 92:21,24 93:14 94:16 94:21,25 95:22,24 96:3 96:7,9 97:6 105:7,8,9,10 105:11,12,13 105:14,15,16 105:17	drive 17:12,14 51:5 drivers 65:7 due 40:12 duly 4:3 106:12 duties 7:25 35:5 65:21,24 66:4 67:3,7 68:9,12,17 D-o-u-g-h-e... 50:13	employer 103:11 employment 23:2 60:21 65:14 Ena 9:4 15:14 15:15,22 16:4 23:18,21,24 24:12 34:20 44:13,20,24 55:14 81:10 enter 77:20 entire 8:8 23:15 32:4 50:2 91:21 entirely 5:6 44:18 entitled 58:14 entrance 49:17 49:18 equal 60:21 91:2 equipment 17:19,21 26:7	exact 16:9 37:12 72:6 74:12 exactly 72:15 Examination 4:7 105:2,3 examined 4:4 examining 88:19 Excel 72:16 73:10 exclusively 60:4 Exhibit 36:22 36:23,25 37:2 52:19 55:23 60:11 75:10 75:13 78:21 80:20,23 81:25 82:4 86:16 89:22 89:25 92:16 94:16,19 95:22 EXHIBITS 105:5 expanded 99:10 experience 74:21 explained 49:20 50:17 exposed 51:5 51:20 extent 100:10 extremely 73:2 e-mail 53:2 71:11,15,19 71:22 80:16 80:17 83:18	e-mails 42:12 50:8 72:20 77:10 98:20 98:24 99:8,13 99:16
documentation 81:20,21 90:9	education 102:6 EEOC 60:21 effect 2:20 effort 103:12 Eisenbaum 71:8 either 31:7 101:23 elastic 26:10 electronic 66:14 elevations 24:19	employer 103:11 employment 23:2 60:21 65:14 Ena 9:4 15:14 15:15,22 16:4 23:18,21,24 24:12 34:20 44:13,20,24 55:14 81:10 enter 77:20 entire 8:8 23:15 32:4 50:2 91:21 entirely 5:6 44:18 entitled 58:14 entrance 49:17 49:18 equal 60:21 91:2 equipment 17:19,21 26:7	Exhibit 36:22 36:23,25 37:2 52:19 55:23 60:11 75:10 75:13 78:21 80:20,23 81:25 82:4 86:16 89:22 89:25 92:16 94:16,19 95:22 EXHIBITS 105:5 expanded 99:10 experience 74:21 explained 49:20 50:17 exposed 51:5 51:20 extent 100:10 extremely 73:2 e-mail 53:2 71:11,15,19 71:22 80:16 80:17 83:18	fall 27:22 falls 26:5 27:17 false 56:16 familiar 37:9 66:22 67:2 68:9 February 60:6 60:23 feel 51:2 fell 27:24 28:2 28:6 felt 50:24 female 10:4 60:4 61:8,14 females 9:21 Fewer 88:15 fifth 26:23 51:10 85:18 86:2 filed 36:10 98:11 files 63:6 filing 2:8 fill 65:13 final 9:11 63:2 financially
documents 98:21 99:22 100:3,7 doing 47:10 56:21 57:3,8 79:10 81:23 100:8 door 41:5 42:21 43:20 doors 41:8,10 41:12 42:15 42:17 43:12 43:14 Dougherty	E E 3:2,2 4:2 104:2,2 105:1 106:3,3 earlier 102:5 earn 58:10 earning 54:25 55:4,14 earnings 55:20 east 103:9 EASTERN 1:3 Economics 102:7 education 102:6 EEOC 60:21 effect 2:20 effort 103:12 Eisenbaum 71:8 either 31:7 101:23 elastic 26:10 electronic 66:14 elevations 24:19	eligible 45:8 58:15 employed 7:5 11:16,19,24 12:2,12 employee 14:24 14:24 15:23 23:3 26:3 30:8,10,12 47:9 81:12,20 81:21 95:7,8 employees 8:11 10:14,15,20 13:24 16:5 18:9,10,17,23 19:7 22:21 46:14,17 51:18,23 52:10,15 54:7 55:4 58:6,9 61:11 62:5 81:11 93:19 employer 103:11 employment 23:2 60:21 65:14 Ena 9:4 15:14 15:15,22 16:4 23:18,21,24 24:12 34:20 44:13,20,24 55:14 81:10 enter 77:20 entire 8:8 23:15 32:4 50:2 91:21 entirely 5:6 44:18 entitled 58:14 entrance 49:17 49:18 equal 60:21 91:2 equipment 17:19,21 26:7	Examination 4:7 105:2,3 examined 4:4 examining 88:19 Excel 72:16 73:10 exclusively 60:4 Exhibit 36:22 36:23,25 37:2 52:19 55:23 60:11 75:10 75:13 78:21 80:20,23 81:25 82:4 86:16 89:22 89:25 92:16 94:16,19 95:22 EXHIBITS 105:5 expanded 99:10 experience 74:21 explained 49:20 50:17 exposed 51:5 51:20 extent 100:10 extremely 73:2 e-mail 53:2 71:11,15,19 71:22 80:16 80:17 83:18	F F 106:3 facing 43:2 fact 100:6 fair 19:4 32:24 33:5 56:24 62:9 69:9,17 73:2 77:6 94:4 95:25 98:4 101:23 fall 27:22 falls 26:5 27:17 false 56:16 familiar 37:9 66:22 67:2 68:9 February 60:6 60:23 feel 51:2 fell 27:24 28:2 28:6 felt 50:24 female 10:4 60:4 61:8,14 females 9:21 Fewer 88:15 fifth 26:23 51:10 85:18 86:2 filed 36:10 98:11 files 63:6 filing 2:8 fill 65:13 final 9:11 63:2 financially

October 7, 2016

Page 111

102:18 find 80:11 98:10 Fine 27:16 finish 5:6 firehouse 64:11 64:15 first 4:23 13:18 13:25 14:19 14:23 15:7 27:8,12,13 37:10,20 38:21 43:7 73:24 87:2 98:10 firsthand 85:4 fit 27:2 five 10:3 26:24 31:3,6 33:7 33:20 34:3,11 34:13 80:11 86:12 87:10 88:17,25 89:4 102:13 floor 26:19 35:10,14 41:18,22 66:11 85:8,10 86:3 follow 28:17 94:7 following 87:21 follows 4:5 Food 6:11,25 footwear 24:16 25:13 29:25 force 2:20 77:2 77:6 forgot 50:19 77:19,20 form 2:13 90:4 90:6,13 formed 47:25 48:15 forth 106:12 forward 5:2	67:12 forwarded 50:8 fourth 16:6,10 55:24 58:24 Franklin 1:15 frequently 23:10 front 5:16 43:13,18,20 90:16 full 4:9 fully 5:21 full-time 60:25 61:13 102:21 furnished 60:20 further 2:11,16 51:8,21 97:5 100:9 106:15 <hr/> G G 104:2 Garden 1:15 general 34:22 55:10 67:6,7 68:11 generally 42:20 42:21 generates 53:24 getting 52:7 59:19 give 32:12 34:10 given 25:10 33:23 34:12 38:14 55:9,11 63:6 87:21 90:10 104:12 106:14 giving 34:7 Glazer's 6:17 6:21 Glen 3:6 gloves 29:19,22 29:24	go 25:9 42:9,9 49:2 55:22 56:11 77:11 79:17 83:15 83:19 87:14 goes 91:9 going 6:8,19,24 16:13 32:12 36:21 39:4 51:8 60:17 68:23 73:22 80:22 98:8 100:13 good 4:13,21 30:10 grand 102:15 great 30:11 39:11 Green 4:11 Greg 16:23 17:24 18:13 58:3 59:4,7 59:16 60:2 62:7,10 ground 85:11 group 51:13 58:9 Grove 4:12 guaranteed 45:10,13 93:17 guess 7:13 14:14 54:22 94:2 guide 84:21 gun 97:16 98:4 <hr/> H half 73:24 hand 18:9,10 60:19 75:14 77:7 78:10,19 80:25 82:5,11 82:22 86:21 92:19 94:19 95:25 106:20	handed 37:3 81:3 82:8 90:2 92:21 94:21 96:3 handwriting 83:24 85:20 85:24 handwritten 85:14 happen 99:6 happened 39:2 happens 91:15 hard 17:15 harness 24:18 26:2,6,9,11 harnesses 25:17,20,20 25:23 29:24 hazards 51:20 head 44:23 50:11 hear 27:24 44:16 heard 16:18 44:14 45:5 46:10 hearing 16:17 height 27:8 heights 72:7 74:15 help 48:18,20 81:7 helped 75:25 81:8 89:18 helpers 65:7 Herdosia 9:4 15:9 hereinbefore 106:12 hereunto 106:19 high 26:14,19 27:6 86:6 higher 27:13 85:8 highest 26:18	26:20 102:6 hire 62:24 75:23 hired 15:7,12 15:13,22,25 16:4,7 55:8 60:5,6 61:11 62:9,18,23 hiring 9:6 honest 39:25 40:13 honestly 44:2 horizontal 86:25 hour 23:14 55:14 93:16 93:19 hours 40:19,22 41:16,21 51:23,24,25 51:25 65:20 93:25 household 102:12,18,21 HR 10:12 44:23 63:6 65:18,20 75:21 81:7,8 98:12 hundred 61:13 89:14 hypotheticals 32:12 <hr/> I ID 97:13,14,15 97:25 identification 36:25 52:21 60:13 75:11 75:13 80:21 80:23 82:2,4 86:18 89:23 89:25 92:17 94:17 95:23 105:5
--	---	---	--	---

October 7, 2016

Page 112

IDs 97:18,21	interviewed	100:23,24	jobs 22:7,12,17	June 44:22
immediate	9:19 10:5,8	101:2,3,4,7,9	26:15 29:17	Justin 9:4
102:17,20	10:11 38:8	101:11,12,18	70:13	16:11 39:23
important 72:8	62:25	101:25	John 8:17,18	55:13 60:5,6
inaccurate	interviewing	investigation	10:21 11:2	62:9,24 63:18
38:24 101:25	10:9	55:17	16:19,25	63:22 64:7,15
include 17:11	introduced	investigator	17:25 18:13	64:20 65:2,8
included 16:18	4:18	36:10,12	18:20 31:16	65:12
54:2,9	inventories	involved 92:11	35:23 36:5	
incoming 91:4	23:15	in-person 17:3	52:4 53:6	K
100:19	inventory 8:5,7	Island 102:10	58:3 59:4,8	K 104:2
incorrect 56:13	8:13 9:2	issue 49:3	60:2 62:7,10	Kazan 67:17
56:16 61:5	10:13,25	81:20 97:21	93:6,24 94:6	keep 42:17
incorrectly	13:17,19,25	issued 24:16,18	94:11 96:15	43:23 44:2
100:25	15:4,8,13,17	25:17 29:22	John's 63:2	46:21 67:12
increased	18:14,21 19:5	30:2 65:9	join 57:17,18	Keith 3:14 38:4
11:14,15	19:14 20:5	81:16 97:15	joined 15:25	38:5 100:5
INDEX 1:4	22:20 23:4	97:18,25	59:24	kept 66:16
indicated 55:25	25:16 26:14	issues 30:14	joining 16:7	Kevin 11:3,4,7
56:4	28:21 29:4,25	48:16	Josianne 1:6	71:8
individual	30:18 31:18	item 32:9,13,16	5:25	kind 72:12
69:19	32:5,20,25	items 32:19	Josie 4:17 6:3,6	knew 85:3,4
individuals	33:5 35:5	69:12 77:16	6:9 13:22	know 5:20 7:12
20:6 55:19	41:17 44:9	79:16 87:10	14:7,8,19	7:16 8:12
70:20	45:12 47:13		15:5,8 16:4	9:15 10:23
information	47:22 53:15	J	23:18,21,24	14:13 15:20
7:11 61:5	54:8 57:2	J 3:3,7,21	24:12 29:5	16:9 20:23
INFORMAT...	60:25 65:22	jeans 29:6	30:7 35:2	22:19 26:17
105:18	65:24 66:5,7	Jennifer 92:25	36:10 39:11	26:22 27:6,14
informed 10:24	66:7,8,9,14	93:3,7,11	41:2,15 45:4	27:19,21 28:7
initially 56:6	66:19,20	96:12,14	58:15 66:2	28:8 29:3
injuries 27:16	69:16 71:21	Jerry 95:3,5,9	67:4 68:14	32:2 34:15,18
injury 27:21	72:3,8,23,24	95:10	75:24,24,25	34:19,25 35:4
insist 53:10	73:7 74:6,22	job 7:7 8:7	76:11 77:24	35:22 41:16
insisted 59:25	75:22 76:6,16	13:15 17:16	81:16,21 83:8	44:14,16 45:2
instance 80:6	76:22,23	18:6 35:5	87:24 88:2,9	45:4,4,9,24
instruction	77:11,25 78:3	48:9 63:22	89:11 98:10	46:20 50:5,14
83:17	78:5,7,9,10	64:2 66:18	98:17	52:17 54:14
instructions	78:17,18,19	67:2 68:9,12	Josie's 30:15	55:10,13,16
31:16 73:23	79:16,21,22	69:11 70:14	66:18 85:25	57:16,21
87:13 88:10	80:3,9 83:5	74:6,22 75:4	JSajous 82:19	59:12,17 60:7
95:3	83:10 87:6,12	76:5,10 77:11	83:7	60:9 61:21
interested	87:17 88:16	78:22 90:12	judge 5:16	64:14,18,19
106:18	88:18 92:4,12	96:10 101:16	July 8:22,24	67:19 68:7
interview 9:16	95:15,15 97:8	101:17,24	13:13,15,20	70:18 71:2,5
63:3,14 98:13	98:3 100:20	102:21	14:2,20 44:22	71:7,10 73:15

October 7, 2016

Page 113

74:2 75:8	lifts 17:17,19	33:2,8 34:8	7:10,11,15	52:20 60:12
77:7 82:13	20:25 22:3,6	34:14 79:15	8:6	75:11,12
84:20 85:24	22:16	79:17 83:6	manager 8:7	80:21,23 82:2
87:16,20 88:9	limit 30:23	84:9,18,20	13:17,19,25	82:4 86:17
88:12,13,16	33:22,24	85:4 87:11,14	25:22 32:5,21	89:23,25
89:10,13,17	Limited 55:6	88:5	32:25 71:21	92:17,18
89:20 90:4,21	line 51:10	lookup 84:19	72:24 95:6	94:17,19
91:15 93:23	55:24 87:2	log 67:12 97:14	maneuver	95:23 105:5
94:11,14	105:19,21	long 11:16,24	74:18	105:21
95:18 98:23	Liquor 1:11	13:12 28:5	Mangan 3:16	marketing 77:2
99:2,15	3:18	39:2 65:3	3:21 7:18	marriage
102:11 103:9	list 25:10 76:15	70:11 102:10	18:18,24 19:8	106:17
knowledge	79:16 97:23	longer 10:25	19:18 21:8	match 69:13
8:22 19:13	little 51:7	look 4:25 37:6	22:24 27:23	78:9,19
39:3 45:7,23	live 102:8	39:8,22 50:20	35:11 41:19	matched 66:20
56:20,25	loads 90:11	50:21 51:7,10	41:24 46:7	matching 76:22
70:24	LOC 83:22	58:24 85:6	47:16,24	material 26:11
knowledgeable	85:14	86:25 87:7,23	58:11,18	76:16
73:3,4	Local 1:11 3:18	89:24 93:10	59:11,14,23	Math 72:11
KONG 3:9	6:12 7:2	looked 77:21	61:20 62:14	matter 106:18
KORSHAK	locate 77:16,22	looking 84:15	62:22 64:13	mean 34:6
3:9	77:22	91:19 94:18	64:17 65:17	46:17 53:14
KRACOFF 3:9	located 12:19	looks 92:25	65:23 69:14	61:7 83:8
	12:22 13:6	Los 3:13	69:21 70:4,17	86:2
L	43:8 77:13	lot 49:14 66:8	70:23 74:24	means 85:11
L 2:2 104:2	78:12 79:21	70:8 93:25	75:7 77:14	88:4
labels 48:7	85:7,8	loud 39:24 40:3	84:24 89:9,12	measured
91:10	location 12:5	40:7,9	89:15 91:14	27:15
lading 68:20	12:16 30:24	lumber 90:21	92:6 93:22	measurements
lady 65:2	31:10,12,20	90:23	95:17 100:10	26:17,22
lanyard 35:15	32:6,13,15	lumberer 91:23	100:12,22	meeting 17:7
lawsuit 6:9	33:16,20,25	lunch 93:16,19	101:20	member 57:7
learned 98:24	34:2,3,4,11	L.L.P 3:9	103:18	64:11,15
learning 66:8	48:6,7 77:19		map 84:21 85:2	102:20
left 43:10 67:4	77:20 79:4,4	M	85:3	members 9:2
68:14 76:11	79:18,18,21	M 1:6 4:2	Maria 1:20	10:13 15:17
82:11	79:24,25 80:4	104:2	4:11 104:7,19	15:18 16:12
Let's 50:20	80:8,10 83:22	machine 26:9	105:3 106:11	16:13,18
69:23 80:6	84:4,5,7,13	26:12 91:7,17	Marie 1:6 5:25	17:22 18:14
100:14	84:16 85:6,7	machinery	Mark 52:18	18:21 19:13
level 26:23	85:9 86:7,9	17:12,14 21:6	60:10 75:9	19:15 20:24
85:10,18	87:15 88:13	22:11 51:5	80:19 81:24	22:20 23:4
102:6	88:14,18 89:5	males 9:24	86:15 89:21	24:24 25:16
lift 23:21	100:25 101:2	man 21:18 28:2	92:15 94:15	26:14 28:11
lifted 89:11	locations 31:13	64:5,10	95:21	28:21 29:4,25
Lifting 72:5	31:20 32:2,10	management	marked 36:24	30:18 40:15

October 7, 2016

Page 114

41:16 44:9	months 28:9	91:12	14:24 95:7,8	35:17,21 36:7
45:12 47:4,13	99:9,11,12	moving 88:17	North 3:19	37:19 38:12
47:22 48:2,3	Moore 96:12	88:24 91:17	Notary 1:21	40:4,17,21
48:11,13,22	morning 4:13	MSA 7:14	4:3 104:25	41:19,23,24
49:22 50:6	45:5	multiple 32:9	106:8	42:19 43:16
52:9,13 53:15	MOSER 3:3,7	Munoz 21:18	noted 103:20	45:14,22 46:7
56:20 57:2,7	4:8,13,22		notification	46:16,19
57:12,17 59:9	5:18,25 6:8	N	98:12,20	47:15,16,24
59:19 62:3,11	6:18,24 7:22	N 2:2 3:2 104:2	number 33:23	49:13,16 50:4
78:16 87:17	13:14 36:17	104:2 105:1	33:25 34:15	50:16 52:16
92:12 95:14	36:21 37:5	name 4:10 6:14	34:18,19,25	54:13 55:5
102:11,17	39:4,13,18,21	21:18,20 25:9	46:21 55:23	56:22 57:4,14
memory 52:3	40:21 45:16	36:13,14	70:5,7 82:5	57:20,25
men 45:21 46:6	46:25 50:20	50:12 63:12	82:12 84:16	58:11,17,18
46:12 97:4	51:7 52:18,22	65:5 72:22	85:14 86:20	59:11,14,22
mention 4:23	55:22 56:4	82:14 105:2	89:10,17 96:2	59:23 61:10
40:3,7,8	60:10,17 68:6	names 9:5 63:8	numbers 39:6	61:19,20 62:6
mentioned	68:23 69:23	70:25		62:13,14,21
20:14,21	73:16,20,22	necessary 5:3	O	62:22 63:23
39:21	75:9,12 80:6	need 22:6 34:8	O 2:2 104:2	64:4,12,13,16
mentions 39:10	80:19,22	87:14 91:19	oath 2:19 4:24	64:17,21
merchandise	81:24 82:3,11	98:13 102:8	5:4,10,13,14	65:10,16,17
35:6,9 68:21	82:18,22	needed 34:14	103:10 104:9	67:5,16,22
68:21 69:2	83:25 85:13	42:11 77:6	Objection 9:8	68:15 69:14
72:10	85:23 86:15	needs 91:12	9:14,22,25	69:20,21 70:3
message 93:10	89:21,24	Neew 3:6	10:6,16,22	70:4,16,17,22
94:5	92:15,18	never 4:14 5:12	11:9 13:9	70:23 71:3,9
met 4:14,15,16	93:15 94:15	34:10 46:8	14:3,18 16:14	71:13,17,25
Michael 63:12	94:18 95:21	101:21 103:9	18:4,18,24,25	73:11,14
63:18 64:2,5	97:5 98:8	new 1:3,10,15	19:8,17,18	74:11,19,23
64:9,20 65:4	99:5 100:9,13	1:22 3:11,20	20:2,8,16,22	74:24 75:7
Microsoft	102:4 103:7	3:20 4:12	21:4,7,8,12	76:8,12,18
73:13	103:16 105:3	6:10,20 11:10	21:16 22:4,8	77:14 78:2,6
middle 58:24	move 30:19,24	12:8 53:11,19	22:13,18,23	78:13,23
mine 5:19	31:19 33:6,15	104:4,25	22:24 23:12	79:13 80:13
minutes 23:13	33:19,23,25	106:4,9	23:22 24:3	81:14 83:3,14
mistake 39:25	34:13 43:4	niece 102:15,25	25:7,18 26:16	83:20 84:2,10
40:2,6,10,13	87:15 88:15	nieces 102:15	26:21 27:4,10	84:23,24
100:18	88:19 89:4,6	night 67:21,23	27:18,23 28:3	85:19 87:9,19
mistaken 97:12	90:24 92:9,10	68:8	28:22 29:2,21	88:3,7,11,22
misunderstood	moved 34:9,16	nights 54:5	30:4,9,16,21	89:2,9,12,15
13:14	34:20 35:2	nine 99:11	30:25 31:11	89:16 90:14
modernize 97:8	41:7 43:3	non-experien...	31:22 32:8,18	91:14 92:5,6
moment 5:14	53:10,18,22	84:25	32:22 33:3,12	92:14 93:4,9
83:6	54:20 87:16	Non-Party 1:19	33:18 34:17	93:21,22 94:8
moments 37:6	87:18 88:9	non-Union	34:21 35:3,11	94:13 95:2,12

October 7, 2016

Page 115

95:16,17 96:5	24:22	69:7,13 71:24	84:25 85:3	33:24 91:8
96:21,25	opinion 19:5,9	91:10	people's 54:18	Plaintiffs 1:8
97:19 98:2,7	19:10 47:25	paragraph	percent 61:8,14	3:4
99:24 100:21	48:15 69:22	39:14,22	perform 101:24	Plaintiff's
100:22 101:8	84:12 101:16	50:22 51:11	performing	36:22,23,25
101:10,14,19	opinions 47:12	55:22,24	17:16	52:19 60:11
101:20 102:2	47:19,21	58:25 60:23	period 41:15	75:10 80:20
102:22	opportunity	park 49:11,15	44:4 55:15	81:25 86:16
objections 2:12	38:14 60:21	49:23,25 50:7	66:2 67:9	89:22 92:16
observation	order 90:25	50:14	71:20	94:16 95:22
92:2	91:22 97:16	parking 49:14	permission	please 4:9 5:5
obtain 55:7	orders 68:20	part 26:9 35:5	21:10	5:19 66:4
October 1:16	95:19	48:6 50:2	permitted	PL-0051 92:19
104:9 106:20	original 93:10	51:13,17,22	30:19 33:15	PL-0053 75:15
OE02 82:12	outcome	82:16 88:24	49:11	PL-0054 96:2
office 4:18	106:18	participated	person 5:9 15:7	PL-0851 52:25
10:14 12:17	Outlook 72:17	46:8	56:24 79:10	PL-1074 80:24
12:22 13:4,6	outside 43:20	particular 80:7	80:15 89:18	PL-1337 86:20
18:8,16 23:16	overtime 45:10	81:19 84:6	91:17,20,23	87:24
25:23 28:18	45:13 93:17	86:9 97:6	personally	PL-1339 86:23
28:18,20,24	O'CONNOR	100:19,25	50:24 51:2	PL-1621 60:18
40:23 41:3,5	3:16	101:2	phonetic 9:5	PL-1687 94:20
41:8,9,11,12		parties 2:7	71:4,8 95:3	PL-1783 82:6
42:3,13,14,22	P	106:16	physical 12:5	PL-850 52:24
43:7,21,22,24	P 2:2 3:2,2	Partly 9:10	23:15 32:5,15	point 15:3 19:4
44:5,5,9	page 39:8,8	Paul 67:17	66:7,9 69:12	25:19,22 31:2
57:18 72:16	50:20,21	pause 5:6	72:9 74:17	32:3 36:2
90:10 91:9	52:25 54:2,22	pay 11:13,14	76:22 77:12	47:7,9 58:8
103:4,5	55:23 60:18	45:8,9 55:9	78:10,19	84:17 97:7
officer 2:18	60:19 86:23	58:10,16	79:19,21	99:11
offices 13:8,10	87:2,7,8	paycheck 65:9	83:16 84:7	pointing 39:19
okay 5:23,24	105:2,5,19,21	paychecks	92:2,3	points 33:6
6:22 37:9	pages 53:24	48:17	physically	policy 81:13,17
59:2 74:4	palette 88:21	payroll 12:7	33:13 79:11	81:22 99:8
once 4:15 23:13	89:7 91:20,21	18:6 40:10,13	85:7 90:16	position 9:13
online 9:20	palettes 27:2	46:21,22 47:3	pick 25:9 37:8	9:20,21,24
oOo 2:24	35:9,13 74:18	47:10 53:20	picker 24:2,7	10:5,10 11:11
open 42:17	88:20 91:2,7	53:21,24 54:2	24:10,14	13:12,21
50:21	91:17	54:8,9,17,19	35:15	55:10 63:4,15
opened 42:20	pants 29:8	54:19,22	pickers 17:23	67:25 68:8
43:15,18	paper 66:13	55:18	21:2,11,15,24	72:15 75:2,5
operate 23:25	papers 11:11	people 4:25	22:16,22 23:5	75:22 76:6,14
operating	91:18	28:16 45:18	piece 26:7	positions 66:25
23:21	paperwork	45:20 46:5,11	PL 39:7 55:23	possible 33:14
operations 11:5	42:8 67:10,11	48:5,25 53:25	place 8:21 17:5	pounds 72:6
16:24 17:2,7	67:13 68:19	54:2 75:23	placed 33:22	74:10,13

October 7, 2016

Page 116

preceded 83:17	purpose 25:25	58:23 104:8	91:20	18:19 19:2
precise 16:3	83:2,13 101:6	ready 75:23	record 4:10	21:20,22
preferred	101:11	really 4:16	36:17,19,20	25:22 30:17
74:21	purposes 6:5	33:14 45:9	39:5 51:9	31:5,7,8 36:3
Premier 11:23	6:18 35:25	49:21 101:21	66:13,14	36:8,13,14
11:24 12:3	pursuant 1:20	reason 42:2	73:16,18,19	37:12,16 39:2
preparation	88:10	56:12 61:4,16	86:19 90:16	41:13 43:6
42:8	put 70:6 87:15	62:16,17	100:16,17	46:9 49:7
prepare 71:24	P.C 3:3,16	reasons 61:23	104:11,12	52:5,6,6,11
81:6,8	p.m 103:20	recall 4:16	106:14	55:21 56:10
prepared 60:8		14:11 15:3	records 55:18	59:3 63:5,7,8
67:10 76:7,11	Q	30:5 36:9	70:6	63:13 65:5
present 37:23	question 2:13	74:12	reduced 11:13	72:6,14 75:25
38:2,7	5:6,7,19,22	receive 13:18	refer 6:3,6,20	81:10,23
preserve 98:20	8:13 19:20,21	24:25 25:3,6	6:24 77:17	97:11 99:25
previous 53:11	31:24 33:9,10	72:19 90:11	82:20,24	100:8
print 34:8	40:5 51:9	95:19 96:23	83:23 85:10	reopen 100:11
67:10 83:10	56:17 62:15	received 13:21	85:17	repeat 5:20
printed 53:25	73:25 93:24	45:3 68:21	referred 9:13	19:19 33:9
79:22 82:25	95:19	69:3,13 70:2	referring 40:9	40:5 74:2
83:8 90:9	questions 6:9	77:10 94:4	40:11 45:16	rephrase 5:21
prior 51:21	57:11 73:23	96:19 98:12	53:15,19 88:5	74:2
product 32:6	76:25 100:10	101:13	refers 66:10	replied 93:2
66:10 68:22	100:12 102:4	receiver 90:7,8	82:13 84:18	reply 8:12
69:4,7,8,25	QUESTION...	receiving 20:11	refresh 52:3	replying 42:12
74:7 75:6	105:21	22:10,11	56:8	report 8:14,19
77:4,7,12,18	R	49:17 66:23	regard 24:22	10:20 11:12
77:21,22	R 3:2,14 4:2,2	67:3,8,14,20	42:25 90:13	36:6 48:3
78:17 79:19	106:3	67:24 68:3,19	99:23	60:19 65:19
83:19 87:15	rack 26:20 27:2	81:19 90:10	regarding	79:15,19,22
90:16 91:4,11	27:5,6,8,12	91:8,9	46:11 100:3	83:2 88:12,16
91:12,19	27:13,15 86:2	reclassified	register 79:25	93:7
92:10	racks 26:18,24	52:14 59:20	registered	reported 8:18
products 34:8	27:9 48:7	recognize 75:18	77:18	13:24 14:23
87:18	85:8	90:18 95:24	regular 23:7	41:2,15 48:2
program 25:4	raises 55:11	96:7 97:2	79:5	reporter 4:9
82:14,15	Randall 11:3,4	recognized	related 106:16	5:8 19:22
projects 76:19	11:8	51:11,17,22	relative 55:20	31:25 33:11
89:19	rate 55:9	56:7	remain 11:14	103:14
properly 39:5	reach 26:18	recollection	65:25 68:12	reporting 11:2
protect 26:3	86:11	56:8	76:10	11:2 14:20
provided 65:6	read 19:21	recommended	remember 4:19	80:17
Public 1:21 4:4	31:22,24	9:12	9:23 10:2,9	represent 5:25
104:25 106:9	33:10 37:8	reconciliation	10:10 11:6	6:19
pulled 91:7	39:15 51:8	42:12	14:10,12,15	REQUESTED
purchase 68:20		reconfigure	15:21,24 17:8	105:18

October 7, 2016

Page 117

require 74:7,9 74:14 75:5	Robert 1:21 106:8,24	scanners 97:8	selection 9:10 63:8	shot 83:5
required 72:3 72:13 75:2,3 88:19 89:6	Rochelle 3:20	School 3:5	Selena 36:14 37:23 55:17 56:15 60:20 98:14	shots 83:11
requirements 72:15 75:8,22 76:2	Ronnie 47:6,9 47:18,22 48:8 48:14,15,22 49:8 54:24 64:11 92:11 93:3,7,16,18 93:24 94:6,12 95:13	scissor 17:17 17:19 20:25 22:3,6,16 23:21	sell 77:8	show 36:21 55:18,19 69:8 80:22
requires 79:10	room 25:21 37:22 84:18 86:10	Scott 9:4 15:14 15:15	send 34:13 37:17 72:19 87:5	showed 85:2
research 42:10 77:16	rooms 17:6	screen 82:15 83:5,11	sense 88:15	showing 79:16 82:3 103:8
reserve 100:11	R-i-s-l-e-y 16:21	scrub 79:5	sent 48:5,18 53:3,5 87:3 95:10 97:23	shown 75:12
reserved 2:13	<hr/>	scrubbing 78:25 79:2,10 79:11,14	separate 53:25 54:20	Sidler 71:4,5
resign 14:16	S	Seabrooks 36:15 37:23 38:8 55:18 56:15 60:20 98:15	September 37:13 93:13	sign 11:11 25:9
resigned 14:21 98:17	S 1:21 2:2,2 3:2 4:2 106:8,24	sealing 2:8	Sepulveda 3:12	signature 90:18 90:20
respective 2:7	safety 21:17 24:16,18,21 24:25 25:3,6 25:12,17,19 25:20,22,25 26:6 29:24,25 30:2,5 35:16	search 99:22 100:2,6	server 99:18	signed 2:18,20 104:22
respond 49:8 93:23 95:18	Sajous 1:6 6:2 87:24	second 39:14 52:25 55:24 60:23	service 48:19	similar 51:19
responsibilities 8:8 76:15,16 76:20	salaries 55:2	Secondly 5:4	set 34:8 40:22 106:12,20	similarly 1:7
responsibility 101:17,22	sales 77:2,6	section 79:17	shelf 86:11	simplification 68:24
responsible 9:6	Sapphire 72:25 73:3,4,5,8 82:16	sections 79:3	shelves 66:11 86:12	simplify 68:23
review 38:10	sat 43:8	security 20:17 22:15,15 50:11	shift 67:12 88:19 89:6 90:24 91:20	simply 86:12
reviewed 37:20 37:24 38:2,17 38:20	saved 99:15,17	see 23:3,20,25 24:13 37:10 43:20 54:21 56:2 59:2 61:2 75:16 77:7 81:2 82:7 85:13,15 86:19 87:24 92:20 96:22	shipment 69:2 69:19 91:4 100:19	sister 102:15
re-label 48:6	saying 52:11 60:8	seen 60:14 91:16 92:9	shifting 91:13	sit 38:24
RF 97:8,12,13 97:14,15,16 97:18,21,23 97:25 98:4	says 50:22 53:8 58:20 60:22 76:14 80:8,9 85:14 87:24 93:15 95:9	select 58:9 63:3	ships 66:23 67:3,8,14,20 67:24 68:3 77:3	sitting 42:24 43:19
right 43:11 52:24 60:18 74:13 75:14 80:25 82:5,22 86:20 92:19 94:19,23 95:25 98:17 100:11	scanner 97:14 97:16	selected 62:25 63:17,19 64:19	shipping 66:23 67:3,8,14,20 67:24 68:3 77:3	situated 1:7
Risley 16:19,20 16:23 17:25 18:13 56:5 61:22 62:2,11			shirts 28:12,17	situation 103:9
			shoes 24:25 25:3,6,9,11	six 28:9 99:9,12
			shop 47:6 48:19,20 94:2	skills 72:3,5,11 72:12
				slightly 5:7
				sold 32:6,16,19
				somebody 8:6 27:24 65:2 77:19,20
				sorry 4:19 7:15 27:14 38:19
				sort 52:7
				sounds 74:13
				South 3:12
				Southern 1:10 3:11 6:10,13 6:16,17,19,20 6:21,21 7:5 11:17,20 13:22 14:9

October 7, 2016

Page 118

23:25 24:13	stamped 36:24	34:1 35:1	Summary	tasks 87:21
25:4 28:2	52:20,23	36:1 37:1	76:14	Tati 16:4 23:21
32:7,16,19	60:12 75:11	38:1 39:1,17	supervise 8:10	23:24 24:12
37:22 44:13	80:21 82:2	40:1 41:1	supervisor	55:14
44:21 45:19	86:17 89:23	42:1 43:1	14:21	Tatiana 9:4
45:21 46:5,12	92:17 94:17	44:1 45:1	supposed 26:8	15:9,12 23:18
60:24 65:9,12	95:23 105:7,8	46:1 47:1	49:15 79:23	34:16 44:13
66:2 69:3	105:9,10,11	48:1 49:1	80:12,15	44:20
70:2 72:23	105:12,13,14	50:1,23 51:1	87:13 99:17	Tatiana's 44:24
97:7 101:13	105:15,16,17	51:12,14,18	sure 14:25	90:20
Southern's	stand 7:9 27:12	52:1 53:1	15:20 16:3,22	team 8:13,13
25:4	standing 91:18	54:1 55:1,25	22:25 25:19	9:3 10:14
speak 44:20	stands 7:16	56:1,4 57:1	32:2 34:18	16:17 17:11
speaking 5:9	started 97:11	58:1 59:1	35:4 44:15	41:17 43:22
36:9	starting 55:10	60:1 61:1	45:4 49:20	43:24 47:14
special 76:19	starts 39:16	62:1 63:1	50:17,18	47:23 48:2,3
89:18	state 1:22 4:9	64:1 65:1	59:12 60:5,7	50:6,24 51:3
specific 82:15	104:4,25	66:1 67:1	65:19 66:19	56:20 57:2
102:9	106:4,9	68:1 69:1	69:11 70:5	59:9 78:17
specifically	stated 39:17	70:1 71:1	71:7,18 89:17	87:6 92:12
70:20	51:21 58:20	72:1 73:1	89:20 99:2,11	95:15
spell 16:20	STATES 1:2	74:1 75:1	sweat 29:8	tell 11:6 17:8
50:12	STEVEN 3:3,7	76:1 77:1	sweatshirt	35:23 48:14
spelling 16:21	steward 47:6	78:1 79:1	29:11	48:25 49:2,2
spend 44:5	48:19,20 94:3	80:1 81:1	sworn 2:18,20	49:5 50:6
spending 41:17	STIPULATED	82:1 83:1	4:3 106:13	56:15 61:22
41:22 43:24	2:5,11,16	84:1 85:1	Syosset 12:8	80:15 84:12
spent 44:10	stop 14:8	86:1 87:1	system 7:15 8:9	84:15 85:7
93:20	store 25:14	88:1 89:1	72:23 79:24	temp 63:16,22
Spirit 6:16	Street 3:5	90:1 91:1	79:25 80:2,4	64:2,19,22,24
Spirits 1:10	stuff 60:8	92:1 93:1		65:8,12
3:11 6:10,13	Suarez 1:20 4:1	94:1 95:1	T	temps 61:11
6:17,20 11:23	4:11,13 5:1	96:1 97:1	T 2:2,2 104:2	63:9,10,20
32:7,16,20	6:1 7:1 8:1	98:1 99:1	106:3,3	65:4
45:19,21 46:5	9:1 10:1 11:1	100:1 101:1	take 5:8,15	ten 80:9
65:13 101:13	12:1 13:1	102:1 103:1	8:21 17:5	testified 4:4
spoke 44:17,18	14:1 15:1	104:7,19	25:10 37:5	5:10
100:4	16:1 17:1	105:3 106:11	89:24 95:20	testify 103:10
spreadsheets	18:1 19:1	Subpoena 1:20	100:14	testifying 4:24
73:10	20:1 21:1	subscribed	taken 11:20	5:4,15
ss 104:4 106:5	22:1 23:1	104:22	12:3 36:18	testimony 5:2
staff 50:14	24:1 25:1	SUFFOLK	73:17 100:15	104:8,11
61:13 63:24	26:1 27:1	106:6	104:8	106:14
staffing 65:5	28:1 29:1	SUGANO 3:9	talk 69:23 84:5	thank 4:21
stamp 39:6	30:1 31:1	suing 44:13,21	talking 26:23	73:21 103:7
75:14 80:24	32:1 33:1	45:4	52:5 80:7	103:12,13

October 7, 2016

Page 119

thankfully 99:7	44:17,19	7:18 11:13	55:25 58:10	12:11,13
thing 7:14 49:3	45:14,22	14:19 15:3,24	58:16	40:23 41:3
69:18	46:16,19,24	16:23,25	topic 46:4	78:15
things 4:23	47:15 49:13	17:15 18:20	total 31:9 33:22	underneath
88:15	49:16 50:4,16	19:5 23:2	34:19 43:4	83:23
think 4:15,17	52:16 54:13	27:11 31:18	track 43:23	understand
14:25 15:9,24	55:5 56:17,22	32:4 33:6	44:2 46:21	4:24 5:13,18
16:6,21 17:16	57:4,14,20,25	34:5,6,9,14	trained 21:14	5:21 7:3
22:9,14 25:14	58:17,23 59:2	37:10 38:18	24:9	32:11 33:14
33:13 38:22	59:22 61:10	38:21 41:15	training 24:21	49:21 58:8,13
40:2,6,8,9	61:19 62:6,13	41:21,25 42:6	transcript	62:15 73:25
44:22 49:9	62:21 63:23	42:8,11 43:14	103:15 104:8	78:16
53:9 56:23	64:4,12,16,21	43:23 44:3,4	104:10	understanding
63:12,16	65:10,16 67:5	44:5,10 48:5	105:21	18:2,5,7
67:11,23	67:16,22 68:5	48:24 50:19	treated 47:13	28:16 31:14
91:25 98:12	68:15 69:20	55:15 58:8	47:22	31:15 66:9
99:10	70:3,16,22	59:7 62:7	trial 2:14	67:25 68:4
third 50:22	71:3,9,13,17	63:5,7,21	tried 59:16,18	understood
51:10 85:13	71:25 73:11	66:2 67:4,8	truck 25:8,15	50:18 68:18
86:25	73:14 74:11	68:14 70:13	49:17 69:4,9	unfortunate
Thorell 3:14	74:19,23 76:8	70:19 71:20	69:12 91:8	99:5
9:8,14,22,25	76:12,18 78:2	75:24 76:6,11	trucks 70:10,14	union 6:11,25
10:6,16,22	78:6,13,23	79:4 91:16,16	true 104:10,12	7:2 9:13
11:9 13:9	79:13 80:13	92:7,8 98:24	106:13	10:17 14:24
14:3,18 16:14	81:14 83:3,14	99:3 102:13	turn 39:13	15:18,22 16:2
18:4,25 19:17	83:20,24 84:2	103:8,12,20	52:25 75:4	16:5,7,13
20:2,8,16,22	84:10,23	times 19:2	twice 43:6	17:11,13,18
21:4,7,12,16	85:19 87:9,19	23:16 25:15	two 12:24 18:7	17:22 19:14
22:4,8,13,18	88:3,7,11,22	43:3,4 44:8	31:3,4,9,10	35:25 45:6
22:23 23:12	89:2,16 90:14	48:16 77:18	31:19 33:7,15	47:4,6,13,17
23:22 24:3	92:5,14 93:4	88:23	34:2 41:9,12	47:20 48:9,10
25:7,18 26:16	93:9,21 94:8	title 7:7,25	42:14 54:4	48:12,18 49:3
26:21 27:4,10	94:13 95:2,12	13:16,18	63:10,17	51:11,16,23
27:18 28:3,22	95:16 96:5,21	70:21	64:22,24	56:7,9 57:6,6
29:2,21 30:4	96:25 97:19	today 4:20 9:3	66:25 87:10	57:12 58:22
30:9,16,21,25	98:2,7 99:24	10:14 12:14	102:15	59:5,8,8,25
31:11,22 32:8	100:21 101:8	38:25 60:15	two-story	95:7 97:4
32:18,22 33:3	101:10,14,19	103:8	13:10	Uniondale 4:12
33:12,18	102:2,22	today's 6:18	type 26:7,10,11	Union's 61:16
34:17,21 35:3	103:17	told 11:11 48:8	28:12 84:21	United 1:2 6:11
35:17,21 36:7	thought 13:14	48:24 49:22	86:5	6:25
37:19 38:5,7	101:21	57:24 59:4,13	U	unloaded 70:10
38:12 39:16	three 15:25	59:15 62:3	U 2:2 4:2	Upcoming
39:19 40:4,17	23:17 65:4	98:20	undergo 24:21	101:9
40:25 41:23	ties 28:18	top 27:3 39:10	Underhill	upper 39:7
42:19 43:16	time 2:14 5:9	45:8,9 50:22		52:24 60:18

October 7, 2016

Page 120

75:13 82:5,11 82:22 86:20 92:19 94:19 95:25 use 17:17,19,22 20:25 21:5,10 21:14,23 22:2 22:6,11,16 24:9,13 73:5 73:7,10,13 86:5 97:16 user 82:21 83:7 97:14 users 97:23 usually 42:17 43:14	14:14 44:16 48:20 54:21 103:7 wanted 48:17 53:25 54:20 54:21 warehouse 7:10,11,15 8:9 10:15 11:12 12:18 12:19 18:9,16 18:22 19:6,12 19:15,16,24 19:25 20:3,4 20:6,7,13,14 20:19,20 21:6 21:23 22:2 23:7,11 24:22 27:17,22 28:16,25 30:20 31:21 32:3,6 33:2 35:10,14 40:12 41:18 41:22 42:7,10 43:25 44:6,11 45:18,20 46:6 46:12,14,17 46:18 48:6 50:25 51:3,4 51:14,18,19 51:20 52:10 52:14 54:3,4 54:5,6,10,16 54:19 57:18 58:3,6,14 59:20,25 61:17 62:4,12 62:20 65:6 66:11,19 69:17 72:10 72:18 74:21 77:12 79:3,5 79:11,17 81:11 83:6,15 84:3,5,7,13	85:4 95:6 96:17,22 97:3 97:4 98:5 warehouseman 67:18 warehousemen 35:20,24 40:16,20 45:7 45:10,17 46:18,23 47:4 49:11,23 50:2 50:7,15 51:6 58:16 59:6,10 61:24 71:11 71:15,22 72:19 73:5,10 73:13 96:23 97:2,18,22,24 warehouses 12:24 WARREN 3:21 wasn't 12:4 60:6 77:18 watched 91:3 way 25:12 47:12,21 48:22 53:9 54:14 63:6 64:3 106:17 wear 28:12 week 17:7 51:24,25 99:4 Welcome 73:20 went 4:17 25:21 56:9 57:6,12 77:21 100:24 WHEREOF 106:19 white 64:7,9 Wilkinson 8:17 8:18 10:21 11:2 16:19,25 17:25 18:13 18:21 31:17	35:23 51:12 51:15 52:4,8 53:6 56:5 58:21 61:22 62:10 93:6,24 94:6,11 96:16 winch 26:7 window 42:22 42:25 43:9 windows 43:10 wine 1:10,11 3:11,18 6:10 6:13,16,17,20 11:23 32:7,16 32:20 45:19 45:21 46:5 65:13 80:7,9 80:11 101:13 withdrawn 92:13 witness 1:19 4:3,11 7:21 19:19 33:9 37:4 39:20 73:21 81:4 82:9 85:22 90:3 92:22 94:22 96:4 103:13 105:2 106:11,14,19 WMI 7:8,9,17 7:18,20,23 WMS 7:15,19 7:23 13:12 woman 15:10 15:15 24:13 63:16 women 23:17 23:20,25 61:17,18,23 63:14 word 9:11 59:3 63:2 72:16 73:13 wore 51:18 work 8:14 12:6	19:11 26:15 28:5,12 29:6 29:8,10,13 30:15 34:7,11 34:12 40:16 40:20 42:10 44:2 51:4,25 91:13,21 92:8 93:25 worked 19:15 19:24 20:6,13 20:19 28:25 29:5 51:23 65:6,8,12 66:2 68:4 worker 39:11 51:19,21 workers 1:11 3:18 6:11,25 15:4 18:8,16 20:13,19 54:10 59:20 59:21 63:21 63:25 96:22 97:3 working 13:22 14:8 24:18 54:3 60:24 61:12 63:9,17 68:7 wouldn't 34:4 34:13 55:16 56:10,18 61:21 70:5,6 70:18 71:18 88:12,13,16 89:3,13,17 91:15 92:7 95:18 99:2 write 53:9 76:2 77:19 80:16 80:17 writes 82:14 writing 44:25 45:3 written 72:14
V v 43:24 Vegh 9:4 16:10 16:11 40:12 55:13 60:24 62:9 Vegh's 39:23 40:3,7 vendors 25:10 verification 83:16 verify 77:12 101:6,12 verifying 76:24 79:15 vintage 77:3 vintages 76:24 77:3,4 violated 81:13 violating 81:16 violation 81:22 VP 11:5 16:24				
W W 104:2 wait 5:5 waived 2:9 wall 43:10 want 4:23 7:12				

October 7, 2016

Page 121

wrong 68:25 wrote 85:20	105:13 1339 86:17 105:13 14 60:19 15 23:13 15,000 32:23 33:2 15-CV-3270 1:4 1619 60:12 105:9 1632 60:12 105:9 1640 3:12 1687 94:17 105:16 1783 82:2 105:12 1785 89:23 105:14	36:24 49:18 105:7 229 36:24 105:7 23 36:22,23 37:2 55:23 105:7 23015 85:14 86:10 24 52:19 105:8 24th 93:13 25 60:11 105:9 26 75:10,13 78:21 105:10 27 80:20,23 105:11 271 3:19 28 81:25 82:4 105:12 29 86:16 105:13	4 50:20 55:23 105:3 40 51:23 45 74:10,13 5 5 39:9 50:20 55:23 85:17 86:2 50 13:10 50/50 44:7 515 4:11 52 105:8 57,000 84:17 6 60 105:9 64,000 84:9 64821 83:23 85:11 69,000 84:17 69442 88:5 7 7 1:16 51:25 104:9 7th 106:20 75 105:10 8 8 51:24 80 105:11 81 105:12 850 52:20 105:8 85020 88:6 851 52:20 105:8 86 105:13 89 105:14 9 9/4 82:23 9:38 1:17 90025 3:13 92 105:15 94 105:16	95 105:17
X x 1:5,13 105:1 Y year 8:23 14:15 44:22 50:2,3 55:11 69:23 York 1:3,10,15 1:22 3:6,11 3:20 4:12 6:10,21 12:8 104:4,25 106:4,9 Z Z 4:2 0 0051 92:17 105:15 0053 75:11 105:10 0054 95:23 105:17 0851 52:24 1 1-D 1:11 3:18 6:12 7:2 1:34 103:20 10 23:13 100 47:2 61:8 105 105:1 1074 80:21 105:11 10801 3:20 11542 3:6 11553 4:12 1225 1:15 1291 39:7 1294 55:24 1295 39:7 13th 37:13 1337 86:17	2 2 53:7,7 60:23 2000 11:25 12:2,5,13 2004 11:18,19 2007 13:20 14:2,20 2008 15:19 56:7,21,25 57:13 60:3 61:7 67:4 68:13 71:16 2009 60:6,24 69:24 70:2 93:13 2010 97:12 2013 6:14 14:13 37:14 53:7,7 82:23 98:9 99:13,16 2016 1:16 8:24 13:13,15 104:9,23 106:20 225 12:23 13:2	3 3 3:5 39:8 60:19 30 89:22,25 105:14 31 92:16 105:15 313 12:20 13:7 49:18 78:15 32 94:16,19 105:16 33 95:22 105:17 34 36:25 345 12:11,13 12:20,21 13:2 13:7,8 40:23 41:3 49:14 35 51:25 35,000 32:23 33:2 36 105:7 4		